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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

1) Heading of Part: Governor's Agricultural Heritage Award

2) Code Citation: 8 Ill. Adm. Code 305

3) Section Numbers: Proposed Action:
 305.10 New Section
 305.20 New Section
 305.30 New Section
 305.40 New Section
 305.50 New Section
 305.60 New Section
 305.70 New Section

4) Statutory Authority: Section 40.40 of The Civil Administrative Code of Illinois, Ill. Rev. Stat. 1989, ch. 127, par. 40.40, as amended by (P.A. 87-152, effective January 1, 1992).

5) A Complete Description of the Subjects and Issues Involved:
 These rules are intended to implement the Governor's Agricultural Heritage Award Act. The proposed rules identify candidate eligibility, application requirements, selection criteria and the selection process. Fees for candidate nomination have been proposed.

6) Will this proposed rule replace an emergency rule in effect?: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference?
 No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:
 A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

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NOTICE OF PROPOSED RULES

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 15, 1992
- B) Types of small businesses affected: Small businesses or associations may nominate persons or be nominated to receive the Governor's Heritage Award.
- C) Reporting, bookkeeping or other procedures required for compliance: Participation is voluntary. Person nominating candidate(s) must prepare application materials and submit the required fee.
- D) Types of professional skills necessary for compliance: Basic management and recordkeeping.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER m: MARKETING PROGRAMS

PART 305
GOVERNOR'S AGRICULTURAL HERITAGE AWARD

Section	Purpose
305.10	Definitions
305.20	Eligibility
305.30	Selection Criteria
305.40	Applications
305.50	Selection Process
305.60	Application Fees
305.70	

AUTHORITY: Implementing and authorized by Section 40.40 of The Civil Administrative Code of Illinois, (Ill. Rev. Stat. 1989, ch. 127, para. 40.40, as amended by (P.A. 87-152, effective January 1, 1992).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

305.10 Purpose

The purpose of the Governor's Agricultural Heritage Award program is to recognize persons for their outstanding contributions, efforts, dedication and support to Illinois agriculture.

305.20 Definitions

"Award Winner" means a candidate chosen to receive the Governor's Agricultural Heritage Award.

"Candidate" means a person who has been nominated for the Governor's Agricultural Heritage Award.

"Director" means the Director of the Illinois Department of Agriculture, or a duly authorized representative.

"person" means any individual, deceased or living; family, association, firm, corporation or other business entity.

"Selection Committee" means individuals who are appointed by the Director of Agriculture to review applications and select the award winner(s).

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"Sponsor" means the person who nominates the candidate.

305.30 Eligibility

Any person may be nominated for the Governor's Agricultural Heritage Award who has made an outstanding contribution to Illinois agriculture. An outstanding contribution includes, but is not limited to the following: a breakthrough in livestock genetics; the implementation of an effective, measurable conservation program; the development of a new consumer product made from an agricultural commodity; or an agricultural teaching career.

305.40 Selection Criteria

a) The selection committee shall consider outstanding contributions in the field of agriculture in one or more (but not limited to) of the following areas:

- 1) Agricultural Communications
- 2) Agricultural Economics/Marketing
- 3) Agricultural Engineering
- 4) Agricultural Genetics
- 5) Animal Science
- 6) Biotechnology
- 7) Conservation Practices
- 8) Crop Science
- 9) Environmental Practices
- 10) Fertilizer and Chemicals
- 11) Food Science
- 12) Horticulture
- 13) Legal and Legislative
- 14) Education or Extension
- 15) Research
- 16) Product Development

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NOTICE OF PROPOSED RULES

- 17) Person who has been involved in production agriculture consecutively for 50 or more years
- b) Major contribution shall have been accomplished in Illinois.
- c) In addition, the Section Committee shall consider the accomplishment or combination of accomplishments of the candidate regarding agriculture or the agricultural industry that may be of a personal nature, such as the enhancement of community relations or an active involvement in agriculture.

305.50 Applications

- a) Applications for the Governor's Agricultural Heritage Award shall be available July 1 of each year through agricultural organizations and the Illinois Department of Agriculture. Publicity concerning the program and applications will be disseminated beginning July 1 of each year.
- b) Sponsor shall provide the name, address, telephone number of the candidate, and a description of the contribution with the time frame in which it was accomplished. Letters of support from the sponsor and any other persons may be included with the application.

- c) Application deadline shall be November 1 of each year.

- d) Applications and the required fee are to be returned to the Illinois Department of Agriculture, Division of Marketing and Promotion, P.O. Box 19281, State Fairgrounds, Springfield, Illinois 62794-9281.

305.60 Selection Process

- a) The Director shall appoint a Selection Committee consisting of three agricultural/agri-business representatives, two government representatives and one education representative.
- b) The Selection Committee shall meet within 60 days following the application deadline to review all applications received prior to the deadline and select award winner(s).
- c) No more than 10 award winners shall be selected each year. Of the ten awards, up to two awards will be

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presented to persons who have been involved in production agriculture consecutively for 50 or more years.

- d) All sponsors and award winner(s) shall be notified in writing of the actions of the Selection Committee within 90 days after the application deadline. The award winners shall be recognized at an awards ceremony. The Director shall set the date, time and place for such ceremony.

305.70 Application Fees

The applications for the Governor's Agricultural Heritage Award shall be accompanied by a \$45 fee. This application fee is non-refundable.

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NOTICE OF PROPOSED RULES

- 1) Heading of Part: Soil Amendments
- 2) Code Citation: 8 Ill. Adm. Code 211
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
211.10	New Section
211.20	New Section
211.30	New Section
211.40	New Section
211.50	New Section
211.60	New Section
211.70	New Section
211.80	New Section
- 4) Statutory Authority: Sections 15, 20, 25, 30, 35, 45 and 50 of the Soil Amendment Act (P.A. 87-0394, effective September 10, 1991)
- 5) A Complete Description of the Subjects and Issues Involved:

These rules are intended to implement the Soil Amendment Act. The proposed rules identify who must register a soil amendment product and establishes the procedure for doing so. The registration applicant must substantiate the products' efficacy and usefulness.

The Rules identify products which are exempt from registration. The registered product must meet labeling requirements for active and inert ingredients as set forth in the Act and in the Rules.

The required reports, inspection fees and records are outlined. The methods for determining any deficiencies in the guaranteed analysis and what penalties will be assessed are stated in the Rules.

The proposed Rules establish which unwanted crop seeds and weed seeds will constitute an adulterated soil amendment if present in the product.

The Department's Administrative Hearing process is cited to enable a registrant to avail themselves of the Department's formal administrative proceedings.
- 6) Will this proposed rule replace an emergency rule in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference?

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- No. None that requires JCAR's approval in accordance with Section 6.02 (b) of the Ill. Administrative Procedure Act.
- 9) Are there any other amendments pending on this Part? No
 - 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.
 - 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.
 - 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 11, 1992

B) Types of small businesses affected: Persons who manufacture or distribute soil amendments.

C) Reporting, bookkeeping or other procedures required for compliance: Persons distributing soil amendments must register the product and pay a \$250 fee. Labels, meeting the standards set forth in the Rules, and substantiation materials must accompany the registration application. A tonnage report is required to be filed with the Department semi-annually and an inspection fee of \$.03 per pound paid. If the inspection report is not filed or is falsely filed or the inspection fee is not paid within 30 days following each semi-annual period, a collection fee of 10% of the inspection fee that was due or \$50, whichever is greater, shall be assessed against the registrant. Tonnage reports must be maintained for a period of 2 years. A penalty must be paid on any deficiency of the guaranteed analysis.

D) Types of professional skills necessary for compliance: Basic management, recordkeeping, and bookkeeping.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER e: FERTILIZERS

PART 211
SOIL AMENDMENTS

Section

- 211.10 Registration
- 211.20 Substantiation Requirements
- 211.30 Reports, Inspection Fees and Records
- 211.40 Label Requirements
- 211.50 Deficient Analysis and Penalties
- 211.60 Exempted Products
- 211.70 Auditation
- 211.80 Administrative Hearings

AUTHORITY: Authorized by and implementing the Soil Amendment Act (P.A. 87-0394, effective September 10, 1991).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 211.10 Registration

- a) Each separately identified product shall be registered before being distributed in this State. The application for registration shall be submitted to the Department on the form furnished by the Director and shall be accompanied by a non-refundable fee of \$250 per product. Each person who registers a soil amendment shall submit to the Department a copy of labels and advertising literature with the registration request for each soil amendment. The Department shall require the applicant to make affirmative label and advertising disclosures if, in the absence of the disclosures, the Department determines that the label or advertising of a soil amendment is deceptive or misleading.

- b) A distributor shall not be required to register any brand of soil amendment which is already registered under this Act by another person, providing the label does not differ in any respect.

- c) If the Department finds that the applicant has fulfilled the requirements of Section 211.10, 211.20 and 211.40 of this Part and Sections 15 and 20 of the Soil Amendment Act, (P.A. 87-0394, effective September 10, 1991), a registration shall be issued.

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- d) If the Department finds that the applicant has failed to fulfill the requirements of Section 211.10, 211.20 and 211.40 of this Part and Sections 15 and 20 of the Soil Amendment Act, (P.A. 87-0394, effective September 10, 1991), or the soil amendment is in violation of Sections 25 and 35, the Department shall issue a notice of denial or cancellation of the registration.

- e) Any person who wishes to change the active ingredient contents or the recommended amount or frequency of application of a soil amendment for which the person has received a registration shall apply to the Department for an amended registration.

- f) Any person who wishes to revise the label of a soil amendment for which the person has received registration shall file the revised label with the Department prior to distributing the soil amendment bearing the revised label.

- g) No person who has been issued a registration or amended registration shall:

- 1) Transfer the registration or amended registration to another person.
- 2) Distribute or promote the distribution of the soil amendment using any performance use or efficacy claim which exceeds that allowed by registration or amended registration or which is inconsistent with the approved product label.

- h) Issuance of registration or amended registration is neither an endorsement nor a warranty by the Department.

Section 211.20 Substantiation Requirements

As a condition to the issuance of a registration or amended registration the Department shall require that the applicant substantiate by scientific evidence.

- a) The efficacy and usefulness of the soil amendment if applied in this state at the amount and frequency recommended by the applicant.

- b) The truthfulness of any statement made on the proposed soil amendment label or in a registration or amended registration application.

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- c) The Department shall require that the substantiation include replicable results of controlled experimental studies using the soil amendment, the names and qualifications of the researchers performing the studies and a complete description of the conditions and additional information concerning procedures of the studies.
- d) The Department may request assistance from any source in evaluating any substantiating evidence.

Section 211.30 Reports, Inspection Fees and Records

- a) There shall be paid to the Department for all soil amendments distributed in this State an inspection fee of \$.03 per pound.
- b) Every person who registers a soil amendment in this State shall file with the Department on forms furnished by the Department semi-annual statements for periods ending June 30 and December 31 setting forth the number of tons of each soil amendment distributed in the State during such semi annual period. Such statement shall be accompanied by payment of the inspection fee.
- c) When more than one registrant is involved in the distribution of a soil amendment product, the last registrant who distributes to a non-registrant (e.g., dealer or consumer) is responsible for reporting the tonnage and paying the inspection fees, unless the reporting and paying of fees have been made by a prior registrant of the soil amendment product. If the report is not filed or is filed falsely or the inspection fee is not paid within 30 days following each semi-annual period, a collection fee of 10% of the inspection fee that was due or \$50, whichever is greater, shall be assessed against the registrant. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against such person which may be collected by the Department in any court of competent jurisdiction without prior demand.

- d) Persons responsible for tonnage reporting shall maintain the distribution records upon which the tonnage report is based for a period of 2 years following the date the tonnage report was filed. Such records shall be available for inspection, copying and audit by the Department in accordance with Section 30 of the Soil Amendment Act.

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Section 211.40 Label Requirements

- a) Soil amendments containing active or inert ingredients shall be labeled as follows:

- 1) The soil amendment label shall contain the information required by Section 20 (a) of the Soil Amendment Act (P.A. 87-0394, effective September 10, 1991).
- 2) The name and percentage by weight of each active ingredient, listed under the heading "ACTIVE INGREDIENTS". For microbiological products, the statement of active ingredients shall state the number and kind of viable microorganisms per milliliter of liquid product, or per gram of nonliquid product.
- 3) The genus of each microbiological product shall be stated. If identifiable and the product's benefits are unique to the species, a microbiological product's species shall also be stated.
- 4) The name and percentage by weight of each inert ingredient listed under the heading "INERT INGREDIENTS".
- b) Soil amendment-fertilizer combinations shall be labeled in accordance with both the Soil Amendment Act and the Illinois Fertilizer Act of 1961, (Ill. Rev. Stat. 1989, ch. 5, par. 55.1 et seq.) and the rules of this Part and 8 Ill. Adm. Code 210.
- c) Except for microbiological products, each active or inert ingredient's common name, if any, and chemical name shall be stated as listed in The Merck Index, Tenth Edition, 1983, published by Merck & Co., Inc., Rahway, New Jersey 07065. This incorporation by reference shall not include any later amendments or additions.

Section 211.50 Deficient Analysis and Penalties

- a) If the official analysis shows that any soil amendment falls short of the guaranteed analysis in any one soil amendment ingredient or in total soil amendment ingredient, a penalty shall be assessed in accordance with the following provisions:

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1) A penalty of three times the value of the deficiency if such deficiency in any one soil amending ingredient is more than:

- A) 20% of the guarantee on any one soil amendment in which the soil amending ingredient is guaranteed up to and including 20%.
- B) 4% under guarantee on any one soil amendment in which the soil amending ingredient is guaranteed 20 and 1/10 percent and above.

2) A penalty of three times the value of the total soil amending ingredient deficiency shall be assessed when such total deficiency is more than 2% under the calculated total soil amending ingredient guarantee.

3) When a soil amendment is subject to penalties under both subsections (1) and (2) of paragraph (a) of this Section, only the larger penalty shall be assessed.

b) All penalties assessed under this Section shall be due and payable to the Department within thirty days after the date of written notice from the Director to the registrant. The Department shall deposit the amount of the penalty in the General Revenue Fund.

c) For the purpose of determining commercial values to be applied under the provisions of this Section, the Department shall determine from the registrant's sales invoice the values charged for the soil amending ingredients. If no invoice is available or if the invoice fails to provide sufficient information, the Department shall use comparable products to determine values. The values so determined shall be used in determining and assessing penalties.

d) The methods of analysis and sampling shall be those as set forth by the Association of Official Analytical Chemists, 15th Edition - 1990, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201-3301. This incorporation by reference shall not include any later amendments or additions.

Section 211.60 Exempted Products

a) Composted or dried manures, mulches intended as a soil

cover, potting soils peat moss, sand, tree bark, wood shavings, vermiculite and mixes of these products are exempt from the soil amendment registration and requirements if these ingredients are prominently stated on the label and no claims of benefits deriving from use of the product are made other than loosening the soil.

b) Adjuvants designed, labeled and promoted for improving the mixing, handling or application of fertilizers or pesticides are exempt from the soil amendment registration requirements of this Part, if no statements of benefit are made beyond a precautionary label statement that the adjuvant may increase the fertilizer or pesticidal activity of products applied with it.

Section 211.70 Adulteration

a) A soil amendment is adulterated if it contains weed seed or unwanted crop seed. Weed seeds shall be those as determined by the Association of Official Seed Analysts in Rules for Testing Seeds 1988, P.O. Box 27647, 216 West Jones Street, Raleigh, North Carolina, 27611. This incorporation by reference shall not include any later amendments or additions.

b) Unwanted crop seeds shall be any crop seed other than the crop that is being planted.

c) Noxious weeds shall be those identified as such in the Rules for the Illinois Seed Law (8 Ill. Adm. Code 230.20 and 230.30).

Section 211.80 Administrative Hearings

Persons adversely effected by Department action may request an administrative hearing to review such action, provided that a request for review is filed within 30 days after notification of Department action. All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001-1 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative proceedings, administrative hearings, contested cases, petitions, and public disclosure of files.

NOTICE OF PROPOSED RULEMAKING

NOTICE OF PROPOSED RULEMAKING

- 1) Heading of Part: Appeal of Child Abuse and Neglect Investigation Findings
- 2) Code Citation: 89 Ill. Adm. Code 336
- 3) Section Numbers:
- | | <u>Proposed Action</u> |
|---------|------------------------|
| 336.10 | New Section |
| 336.20 | New Section |
| 336.30 | New Section |
| 336.40 | New Section |
| 336.50 | New Section |
| 336.60 | New Section |
| 336.70 | New Section |
| 336.80 | New Section |
| 336.90 | New Section |
| 336.100 | New Section |
| 336.110 | New Section |
| 336.120 | New Section |
| 336.130 | New Section |
| 336.140 | New Section |
| 336.150 | New Section |
| 336.160 | New Section |
| 336.170 | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23, pars. 2057.16 and 5004 and 5005.
- 5) A Complete Description of the Subjects and Issues Involved: These rules which will replace in part 89 Ill. Adm. Code 339, Review and Appeal Process, describe the process by which persons may appeal child abuse and neglect investigation findings.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: Yes ☒ No
If "Yes", date: _____
- 8) Does this proposed rulemaking contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Licensed child care facilities, day care facilities, and professional persons whose licenses are affected by indicated reports of child abuse or neglect (e.g., doctors, dentists, psychologists, social workers, etc.).

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Rulemaking begins on the next page:

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336
APPEAL OF CHILD ABUSE AND NEGLECT
INVESTIGATION FINDINGS

Section	Purpose
336.10	Definitions
336.20	Who May Appeal
336.30	What May Be Appealed
336.40	What May Not Be Appealed
336.50	The Right to Appeal and Receive a Fair Hearing
336.60	Notices of Department Decisions
336.70	The Appeal Process
336.80	Child Protection Internal Review
336.90	Notice of Internal Review Decision
336.100	The Administrative Hearing
336.110	Rights and Responsibilities in Administrative Hearings
336.120	The Administrative Law Judge
336.130	Combined or Separate Hearings
336.140	Final Administrative Decision
336.150	Records of Administrative Hearings
336.160	Severability of This Part
336.170	

AUTHORITY: Authorized by Section 5 of "The Children and Family Services Act" (Ill. Rev. Stat. 1991, ch. 23, pars. 5004 and 5005), implementing Section 7.16 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.16).

SOURCE: Adopted at 16 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

Section 336.10 Purpose

The purpose of these rules is to explain the review and administrative hearing process the Department guarantees to persons requesting to amend/expunge identifying information from or remove the record of a child abuse or neglect report from the State Central Register.

Section 336.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any

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individual residing in the same home as the child, or a paramour of the child's parent:

INFLECTS, CAUSES TO BE INFLECTED, OR ALLOWS TO BE INFLECTED UPON SUCH CHILD PHYSICAL OR MENTAL INJURY, BY OTHER THAN ACCIDENTAL MEANS, WHICH CAUSES DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF IMPAIRMENT OF ANY BODILY FUNCTION;

CREATES A SUBSTANTIAL RISK OF PHYSICAL OR MENTAL INJURY TO SUCH CHILD BY OTHER THAN ACCIDENTAL MEANS WHICH WOULD BE LIKELY TO CAUSE DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF OR IMPAIRMENT OF ANY BODILY FUNCTION;

COMMITTS OR ALLOWS TO BE COMMITTED ANY SEX OFFENSE AGAINST SUCH CHILD, AS SUCH SEX OFFENSES ARE DEFINED IN THE CRIMINAL CODE OF 1961, AS AMENDED, AND EXTENDING THOSE DEFINITIONS OF SEX OFFENSES TO INCLUDE CHILDREN UNDER 18 YEARS OF AGE;

COMMITTS OR ALLOWS TO BE COMMITTED AN ACT OR ACTS OF TORTURE UPON SUCH CHILD; OR

INFLECTS EXCESSIVE CORPORAL PUNISHMENT.

(Ill. Rev. Stat. 1991, ch. 23, par. 2053)

"Administrative hearing" in the context of this Part means a formal review of a decision made by a Department child protection investigator which has been upheld by an internal review.

"Administrative Law Judge" means an attorney who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the child protection internal review system" means the person who is responsible for coordinating the child protection internal review process.

"Administrator of the Administrative Hearing Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Amend" as used in this Part means changing an allegation contained in an indicated report of child abuse or neglect or changing identifying information regarding the subjects of an indicated child abuse or neglect report.

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"Appeal process" means the two step appeal process, including the child protection internal review and the formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Child protection appeal form" means the Department's form used to gather appellant's information supporting their request to amend or expunge the indicated report.

"Child protection internal review" means an informal review held at the Department's child protection administrative level in order to reevaluate the determination made by a child protection investigator.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark on the appellant's request to appeal the Department's decision that the report was indicated.

"Department's representative" means the person who is responsible for presenting the Department's case.

"Expunge" as used in this Part means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case, which affects the legal rights, duties or privileges of participants and which may be further appealed to the circuit court under the Administrative Review Law.

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation that credible evidence of the alleged abuse or neglect exists.

"NEGLECTED CHILD" MEANS ANY CHILD WHOSE PARENT OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE WITHHOLDS OR DENIES NOURISHMENT OR MEDICALLY INDICATED TREATMENT INCLUDING FOOD OR CARE DENIED SOLELY ON THE BASIS OF PRESENT OR ANTICIPATED MENTAL OR PHYSICAL IMPAIRMENT AS DETERMINED BY A PHYSICIAN ACTING ALONE OR IN CONSULTATION WITH OTHER PHYSICIANS OR OTHERWISE DOES NOT PROVIDE OR THERE IS A SUBSTANTIAL RISK THAT SUCH PARENT OR PERSON RESPONSIBLE WILL

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not provide THE PROPER OR NECESSARY SUPPORT, OR MEDICAL OR OTHER REMEDIAL CARE RECOGNIZED UNDER STATE LAW AS NECESSARY FOR A CHILD'S WELL-BEING (including where there is harm or substantial risk of harm to the child's health or welfare), INCLUDING ADEQUATE FOOD, CLOTHING AND SHELTER: OR WHO IS ABANDONED BY HIS OR HER PARENTS OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE OR WHO IS A NEWBORN INFANT WHOSE BLOOD OR URINE CONTAINS ANY AMOUNT OF CONTROLLED SUBSTANCE AS DEFINED IN SUBSECTION (f) OF SECTION 102 OF THE ILLINOIS CONTROLLED SUBSTANCES ACT OR A METABOLITE THEREOF, WITH THE EXCEPTION OF A CONTROLLED SUBSTANCE OR METABOLITE THEREOF WHOSE PRESENCE IN THE NEWBORN INFANT IS THE RESULT OF MEDICAL TREATMENT ADMINISTERED TO THE MOTHER OR THE NEWBORN INFANT. A CHILD SHALL NOT BE CONSIDERED NEGLECTED OR ABUSED FOR THE SOLE REASON THAT SUCH CHILD'S PARENT OR OTHER PERSON RESPONSIBLE FOR HIS OR HER WELFARE DEPENDS UPON SPIRITUAL MEANS THROUGH PRAYER ALONE FOR THE TREATMENT OR CURE OF DISEASE OR REMEDIAL CARE UNDER SECTION 4 OF The Abused and Neglected Child Reporting ACT (111. Rev. Stat. 1991, Ch. 23, Par. 2053). Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this ACT for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary.

"PERSON RESPONSIBLE FOR THE CHILD'S WELFARE" MEANS THE CHILD'S PARENT, GUARDIAN, FOSTER PARENT, operator, supervisor, or employee OF A PUBLIC OR PRIVATE RESIDENTIAL AGENCY OR INSTITUTION; OR PUBLIC OR PRIVATE PROFIT OR NOT-FOR-PROFIT CHILD CARE FACILITY; OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE AT THE TIME OF THE ALLEGED ABUSE OR NEGLECT, OR ANY PERSON WHO CAME TO KNOW THE CHILD THROUGH AN OFFICIAL CAPACITY OR POSITION OF TRUST, INCLUDING BUT NOT LIMITED TO HEALTH CARE PROFESSIONALS, EDUCATIONAL PERSONNEL, RECREATIONAL SUPERVISORS, AND VOLUNTEERS OR SUPPORT PERSONNEL IN ANY SETTING WHERE CHILDREN MAY BE SUBJECT TO ABUSE OR NEGLECT. (111. Rev. Stat. 1991, ch. 23, par. 2053)

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

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"SUBJECTS OF CHILD ABUSE OR NEGLECT REPORTS" MEANS ANY CHILD REPORTED TO THE STATE CENTRAL REGISTER, AND HIS OR HER PARENT, PERSONAL GUARDIAN, OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE, WHO IS NAMED IN THE REPORT.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

Section 336.30 Who May Appeal

- a) Any person who has been named as a subject in a report of child abuse or neglect has the right to appeal any of the action(s) or inaction(s) listed in Section 336.40, personally or by:
 - 1) the appellant's authorized representative. Such authorization must be in writing and notarized. The representative may be legal counsel, a relative, a friend or other spokesperson; or
 - 2) an individual legally authorized to act on behalf of the appellant when the appellant is incompetent, incapacitated, or otherwise unable to speak for him/herself. A certified copy of the court order authorizing the individual to act on behalf of the appellant must be provided.
- b) If an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the appellant in the appeal process. These rights include the right to:
 - 1) review and copy record material;
 - 2) receive Department notices;
 - 3) speak in the administrative hearing process; and
 - 4) take any other actions permitted an appellant during the appeal process.

Section 336.40 What May Be Appealed

The following issues may be appealed through the appeal process:

- a) an indicated finding of child abuse or neglect;
- b) failure to remove an unfounded report of child abuse or neglect from the State Central Register within 30 calendar days of the determination that the report is unfounded, unless the report is being retained as a false report per the subject's request;

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- c) refusal or failure to grant a request for an internal child protection review within the timeframes specified in this Part for the purpose of expunging or amending information contained in the child abuse and neglect investigation record or removing the record entirely; and
- d) refusal or failure after an internal review to expunge, amend or remove information about an indicated report of child abuse or neglect that the appellant believes is inaccurate or maintained in a manner inconsistent with the law.

Section 336.50 What May Not Be Appealed

The administrator of the child protection internal review system will decide whether an issue is appropriate for an internal review pursuant to Section 336.40. The administrator of the Administrative Hearing Unit will decide whether an issue is appropriate for the administrative hearing process pursuant to Section 336.40. The following circumstances are not appropriate for the appeal process:

- a) when the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- b) when the issue is not regarding a child abuse or neglect report as defined in 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect. These issues may be appealed through a different appeal and administrative hearing process as identified in 89 Ill. Adm. Code 435, Administrative Appeals and Hearings;
- c) when a court has made a judicial decision on the issue being appealed, or a judicial finding of child abuse or neglect has been made and the appellant is requesting that the record of the report of child abuse or neglect be expunged, amended or removed; or
- d) when the 60 day time frame for requesting an appeal has expired. Section 336.80, The Appeal Process, explains how to calculate the 60 day timeframe.

Section 336.60 The Right to Appeal and Receive a Fair Hearing

- a) The Department shall inform the subjects of a child abuse or neglect report of the right to a child protection internal review and administrative hearing related to the Department's decision. The Department shall provide clear instructions on how to request a child protection internal review and receive an administrative hearing, if appropriate. This explanation shall be provided within 10 days after the investigation of a report of child abuse or neglect has been completed and the final determination has been entered into the State Central Register.

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- b) This explanation shall be provided in writing in the subject's primary language.
- c) When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written appeal.
- d) The Department may not hinder an appellant who wishes to proceed with the appeal process.

Section 336.70 Notices of Department Decisions

a) Required Notices

Subjects have the right to receive a timely written notice of Department decisions as to whether a child abuse or neglect report is "indicated" or "unfounded." In order for a notice to be considered "timely" it must be mailed within 10 calendar days after the final determination has been entered into the State Central Register.

b) Content of Notices

Each required notice of a Department decision shall:

- 1) include a specific statement whether the Department has determined the report is indicated or unfounded as a result of an investigation;
- 2) state that a Department review of an indicated decision is available;
- 3) state that if a review of the Department's decision is desired, it must be requested in writing within 60 calendar days of the postmark on the notice.
- 4) provide the name and address of the individual who must be contacted in order to request a review of the Department's decision.

c) Written Notices

All written notices used in this Part shall be in the appellant's primary language.

- d) The following notices shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested to "the addressee only":

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- 1) the Department's decision that a report is indicated.
- 2) the final administrative decision of an administrative hearing.
- e) All other notices referenced in this Part shall be sent by regular mail.

Section 336.80 The Appeal Process

- a) There are two levels of appeal in the appeal process. The two levels are:

- 1) a child protection internal review; and
- 2) an administrative hearing.

- b) To begin the appeal process the subject shall request in writing that the Department review its decision. The request must be mailed within 60 calendar days of the postmark on the notice of the Department's decision that the report was indicated. The request must be submitted to the Department staff person designated in the written notice.

- c) If the appellant is unable to request an appeal in writing, the Department shall help the appellant put the request in writing upon request.

Section 336.90 Child Protection Internal Review

- a) A child protection internal review is required before an administrative hearing is granted unless the appellant has requested a child protection internal review and the request has been denied.
- b) Upon receipt of the request for an appeal, the Department shall send the appellant, via certified mail, a child protection appeal form with a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.
- c) The appeal form shall contain space for the appellant to submit a brief written summary which may include additional information for the Department's consideration as to why the Department should expunge or amend the report in the State Central Register.
- d) The appellant shall return the appeal form to the Department within 45 calendar days of the postmark date that the form was mailed to the appellant.

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- e) The Department has 30 calendar days from the date the appeal form is returned to:

- 1) review the appeal form and the investigative file;
- 2) contact the appellant, if necessary; and
- 3) reach a decision on the appellant's request that the record be amended, expunged or removed.

Section 336.100 Notice of Internal Review Decision

- a) The child protection internal review administrator shall send the appellant a notice which explains the facts and information considered during the child protection internal review and explains the decision. The notice shall explain that:

- 1) the decision affirms the original decision, amends the indicated report, or reverses the indicated finding.
- 2) if the issue has not been resolved to the appellant's satisfaction, an administrative hearing may be requested by contacting the Administrator of the Administrative Hearing Unit.

- 3) the request to appeal the decision of the internal review to an administrative hearing shall be made in writing. This request must be received by the Administrator of the Administrative Hearing Unit within 15 calendar days of the postmark on the notice of the child protection internal review administrator's decision.

- b) If the decision of the child protection internal review reverses the indicated finding, a notice of the decision shall be sent to those listed in Section 336.150 (c) and (d).

- c) If the decision of the child protection internal review upholds the indicated finding, and the appellant does not exercise the right to appeal the decision to an administrative hearing within the time frames specified in Section 336.110 (a) (2), a notice of the decision shall be sent to those listed in Section 336.150 (c) and (d).

Section 336.110 The Administrative Hearing

- a) The Administrator of the Administrative Hearing Unit may grant a request for a hearing only when:

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- 1) the original written request for appeal was received by the Department within 60 calendar days of the postmark of the notice to the appellant that the report was indicated;

- 2) the written request for an administrative hearing was received by the Department within 15 calendar days of the postmark of the notice of the child protection review decision; and

- 3) the issue is within the jurisdiction of the Administrative Hearing Unit.

- b) The Administrator of the Administrative Hearing Unit may dismiss a request for an administrative hearing for the following reasons only:

- 1) the child protection internal review has not been exhausted;
- 2) the appeal has been withdrawn in writing;
- 3) the appeal has been abandoned. Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include but is not limited to:

- A) death in the family of the appellant or in the family of the appellant's representative.

- B) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family.

- C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing.

- D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change of address.

- 4) the issue is not within the jurisdiction of the appeal system;

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- 5) the request for the appeal was not received within 60 calendar days of the postmarked date of the notice that the report was indicated;
 - 6) the request for an administrative hearing was not received within 15 calendar days of the postmarked date of the notice from the child protection administrator's decision; or
 - 7) the appellant failed to notify the Administrator of the Administrative Hearing Unit of a change of address, and a notice of the administrative hearing cannot be delivered.
- c) The Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar days of receipt of the request for an administrative hearing. If the administrator of the administrative hearing system finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435, the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

d) The Administrator of the Administrative Hearing Unit shall:

- 1) schedule the hearing at a date within 30 calendar days of the date the appellant's written notice stated that the child protection internal review did not resolve the issue to the appellant's satisfaction;
- 2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place the administrator shall make this determination and proceed to schedule the hearing;
- 3) provide a written notice to the appellant at least 15 calendar days before the scheduled hearing, which shall contain the following information:

- A) the date, time and location of the hearing;
- B) a statement that the appellant or appellant's representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing; and
- C) a statement of the parties' rights during the appeal process.

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Section 336.120 Rights and Responsibilities in Administrative Hearings

- a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the Department employee who had direct involvement in the case, or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the administrator of the appeal hearing system to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.
- c) Children under 14 years of age shall not be subpoenaed by either party to testify or be involved in the hearing process unless the administrative law judge determines that the child's testimony or involvement is essential to a determination of the appeal. In making this determination the administrative law judge shall require a showing that there is no likelihood of inflicting emotional harm to the particular child (children) involved.
- d) Any motions from the appellant or the Department shall be filed with the administrative law judge, at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.
- e) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.
- f) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. The administrative law judge may prohibit the introduction of the requested evidence if not provided within the time frame.
- g) During the administrative hearing, the appellant and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses except as provided for in Section 336.130(b)(7); and

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- 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.

- h) In an administrative hearing concerning child abuse or neglect reports:

- 1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record;
- 2) the Department must show that credible evidence existed to support the indicated finding, according to Department Rules, 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect; and
- 3) the administrative law judge has the authority to recommend changes in the child abuse and neglect record.

Section 336.130 The Administrative Law Judge

a) Appointment of the Administrative Law Judge

The Administrator of the Administrative Hearing Unit shall select and the Director shall appoint a trained impartial administrative law judge from the available pool to conduct the appeal hearing. The administrative law judge shall:

- 1) be an attorney licensed to practice law in the State of Illinois;
- 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law including familiarity with Department rules, procedures and functions;
- 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and
- 4) not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

b) Functions of the Administrative Law Judge

The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1000, et seq.). This authority shall include, but is not limited to the following:

- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and prehearing telephone conferences if necessary between the parties and/or their attorneys to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law in order to expedite the actual hearing;
- 5) take necessary steps to develop a full and fair record which contains all relevant facts;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) conduct in-camera reviews with alleged child abuse or neglect victims as is authorized in the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 802-18). For the purpose of this Part, an in-camera review means that the alleged abuse or neglect victim may testify outside the presence of the alleged perpetrator with only the administrative law judge, Department and appellant's representative or attorney and court reporter, if applicable, present. If the appellant is unrepresented, the administrative law judge may continue the hearing to give the appellant the opportunity to obtain representation for the in-camera hearing.
- 9) allow into evidence previous statements made by the child relating to abuse or neglect, as hearsay exceptions.
- 10) preserve all documents and evidence for the record;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 12) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing.

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- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received. This report shall include a recommended decision on whether there is credible evidence of abuse or neglect based on information considered at the hearing contained in the administrative record. The opinion shall contain a summary of the evidence, findings of fact, conclusions of law and a recommendation.

Section 336.140 Combined or Separate Hearings

- a) When a common issue is raised, the Department may respond to requests for hearings from more than one appellant by conducting a single group hearing. The Department may also combine all issues raised by a single petitioner in one hearing. In all group hearings, the appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately.
- b) The Department, if required for the fair, efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The severed party or issue shall be heard separately.

Section 336.150 Final Administrative Decision

- a) Making the Final Administrative Decision

The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.

- b) Notice of the Availability of Judicial Review

The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that under the provisions of the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.)

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that they may seek judicial review of the Department's decisions if it is unfavorable to them, within the statutory time frame.

- c) Who Receives Copies of the Final Administrative Decision

The appellant or authorized representative, the Department child protection investigation unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), the Administrator of the Administrative Hearing Unit, and the State Central Register shall receive a copy of the final administrative decision.

- d) Notifying Others of the Decision

The following persons shall receive a notice of the final administrative decision:

- 1) parents or personal guardians of the child victim(s) if they are not the same as the appellant.
- 2) the mandated reporter who originally made the report of child abuse or neglect.
- 3) the juvenile court judge and guardian ad litem (when a state ward is involved).
- 4) the Illinois Department of Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, Section 300.140.
- 5) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility.
- 6) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300, Section 300.100 (i).

Section 336.160 Records of Administrative Hearings

The permanent record of the administrative hearing, and the final administrative decision shall be maintained by the administrator of the administrative hearing system. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431: Confidentiality of Personal Information of Persons Served by the Department, and state federal laws, rules and regulations on confidentiality.

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Section 336.170 Severability of This Part

If any Court of competent jurisdiction finds that any section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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NOTICE OF PROPOSED REPEALER

1) Heading of Part: Review and Appeal Process2) Code Citation: 89 Ill. Adm. Code 3093) Section Numbers: Proposed Action

309.1	Repeal
309.2	Repeal
309.3	Repeal
309.4	Repeal
309.5	Repeal
309.6	Repeal
309.7	Repeal
309.8	Repeal
309.9	Repeal
309.10	Repeal
309.11	Repeal
309.12	Repeal
309.13	Repeal
309.14	Repeal
309.15	Repeal
309.16	Repeal
309.17	Repeal
309.18	Repeal
309.19	Repeal
309.20	Repeal
309.21	Repeal
309.22	Repeal
309.23	Repeal

4) Statutory Authority: Section 7.16 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.16).5) A Complete Description of the Subjects and Issues Involved: Part 309 which described the review and appeal process for both child abuse and neglect investigation decisions and child welfare service decisions is being repealed. Proposed new rules 89 Ill. Adm. Code 337 will replace the parts of Part 309 which relate to the service appeal process. Proposed new rules 89 Ill. Adm. Code 336 will replace the parts of Part 309 which relate to the appeal process for child abuse and neglect investigative decisions.

6) Will this proposed repealer replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date: Yes ☒ No ☐
If "yes", date: _____

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Licensed child care facilities, day care facilities, and professional persons whose licenses are affected by indicated reports of child abuse or neglect (e.g., doctors, dentists, psychologists, social workers, etc).

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Repealer begins on the next page:

798392ILLINOIS REGISTERDEPARTMENT OF CHILDREN AND FAMILY SERVICESNOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 309
REVIEW AND APPEAL PROCESS (REPEAL)

Section
309.1 Purpose
309.2 Definitions
309.3 Who May Appeal
309.4 What May Not Be Appealed
309.5 What May Be Appealed Through the Appeal Process
309.6 The Right to Appeal and Receive a Fair Hearing
309.7 Notices of Department Decisions
309.8 Requirements for Notices
309.9 How to Request a Review and Appeal Hearing
309.10 Continuing Services During the Review and Appeal Process
309.11 Timeframe for the Appeal Process
309.12 Field Office Reconsideration
309.13 Regional or Child Protection Review
309.14 Notice of Regional Office or Child Protection Administrator Decision
309.15 Disposition of the Request for an Appeal Hearing
309.16 Notice Concerning the Appeal Hearing
309.17 Appeal Rights
309.18 The Hearing Officer(s)
309.19 Combined Hearings
309.20 Final Administrative Decision
309.21 Records of Appeal Hearings
309.22 Hearings About the Content of Child Abuse and Neglect Reports
309.23 Severability of This Part

AUTHORITY: Implementing and authorized by Sections 4 and 5 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named," (Ill. Rev. Stat. 1991, ch. 23, pars. 5004 and 5005), Section 7.16 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.16); and 45 CFR 205.10.

SOURCE: Adopted and codified at 5 Ill. Reg. 14521, effective December 29, 1981; amended at 6 Ill. Reg. 14257, effective November 12, 1982; amended at 10 Ill. Reg. 21655, effective December 31, 1986; repealed at 16 Ill. Reg. , effective

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Section 309.1 Purpose

The purpose of these rules is to explain the review and appeal process the Department guarantees to persons requesting or receiving Department services.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.2 Definitions

"Administrator of the review and appeal system" means the person who is responsible for coordinating the review and appeal process.

"Appeal hearing" means a formal review of:

- a) a decision made by a Department Regional Office,
- b) a decision made by a Department field office or purchase of service provider which has been upheld by a Department Regional Office, or
- c) a decision made by a Department child protection investigator which has been upheld by the child protection administrator.

"Appellant" means the person who requests a review and appeal hearing or in whose behalf a review and appeal hearing is requested.

"Child protection review" means an informal review held at the Department's child protection administration level in order to reevaluate the determination made by a child protection investigator. A child protection review is required before an appeal hearing is granted.

"Date of action" means the date on which any Department action is intended to become effective.

"Field office reconsideration" means the first step of the review and appeal process for decisions made by the social worker. In this step, the social worker and supervisor listen to the appellant and reconsider the original decision. At this step, the field office may affirm, reverse, or modify the original decision. If the field office made the original decision, both a field office reconsideration and a regional review are required steps before an appeal hearing is granted.

"Final administrative decision" means the Department's final ruling on an appealed issue.

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"Hearing officer" means a person who is responsible for the conduct of the hearing, who decides what information may be used in the hearing, who informs the participants of their rights in the appeal hearing process, and who issues a recommended decision to the Director on the matters in dispute. In child abuse and neglect appeals, the hearing officer makes the final decision about the issue.

"Purchase of service provider" means an agency or individual offering services to a Department client through a signed contract for paid services.

"Regional review" means an informal review held at the Department's Regional Office level in order to evaluate the correctness of a decision made by a Department field office or by a purchase of service provider. A regional review is a required step before an appeal hearing is granted.

"Services" means social services or benefits provided by the Department or its purchase of service providers under Titles IV and XX of the Social Security Act (42 U.S.C. Section 601 et seq. and 1397 et seq.) or any laws of the State of Illinois.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect. Additionally, the register maintains information concerning confirmed reports of abuse or neglect.

"Subjects of child abuse or neglect reports" means any child reported to the Central Register as allegedly abused or neglected and the child's parent, guardian, or other persons responsible who are named in the report.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.3 Who May Appeal

- a) Any child or family who has requested child welfare services directly from the Department, who has received child welfare services or day care services through the Department or its purchase of service providers, or who has been the subject of a report of child abuse or neglect has the right to appeal any of the actions or inactions listed in Section 309.4. The appeal may be requested by:

- 1) the child;
- 2) the family;

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- 3) a person who has legal rights to the child, or the foster parents, or the related caretakers;
 - 4) the authorized representative of any of the above persons. This may be legal counsel, a relative, a friend or other spokesman; or
 - 5) an individual acting responsibly on behalf of the above persons when they are incompetent, incapacitated, deceased, or otherwise unable to speak for themselves.
- b) If an appellant has an authorized representative or an individual acting responsibly on the appellant's behalf, that representative or individual has the same rights as the appellant in the review and hearing process. These rights include the right to review and copy case materials, to receive Department notices, to speak in the review and appeal process, and to take any other actions permitted an appellant in this Part.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.4 What May Be Appealed

- a) The review and appeal system is applicable to all services the Department provides for children and families, whether directly or through purchase of service providers. The following issues may be appealed through the review and appeal system:

- 1) denial of a service requested by a child or family;
- 2) failure to act upon a request for services within 30 calendar days of the date of the request;
- 3) a decision to provide services which the child or family deems to be inadequate, inappropriate, or unnecessary;
- 4) a decision to reduce, suspend, or terminate services;
- 5) failure to review the service plan within the Department's specified time frames;
- 6) failure to arrange parent-child visits when the child is placed out of the home;
- 7) failure to clearly explain the decisions and actions of the Department and the reasons for the decisions and actions;

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- 8) failure to make a decision or take any action concerning the need for or appropriateness of services or service providers within the time frames specified by the Department;
 - 9) failure to remove an unfounded report of child abuse or neglect from the Central Register within 30 calendar days of the determination that the report is unfounded;
 - 10) refusal to grant the initial request to amend, expunge or remove identifying information about or the record of a child abuse or neglect report;
 - 11) failure to amend, remove, or destroy information within 30 calendar days of the client's request about an indicated report of child abuse or neglect that the client believes is inaccurate or maintained in a manner inconsistent with the law; or
 - 12) any issue of Department service policy when the child or family is aggrieved by its application to them.
- b) The Department shall not interfere when an appellant wishes to request a review and appeal.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.5 What May Not Be Appealed Through the Review and Appeal Process

The administrator of the review and appeal process will decide whether an issue is appropriate for the review and appeal process pursuant to Section 309.4 a). The following are not appropriate for the review and appeal process:

- a) when the sole issue is one of State or Federal law regulating the automatic adjustment of services for classes of children and families;
- b) when the Department has already made a final administrative decision on the issue as a result of a previous review and appeal;
- c) when the issue is not a service issue as defined in 89 Ill. Adm. Code 302, Services Delivered By the Department, it should be appealed through a different appeal and administrative hearing process. The Department's appeal processes are identified in 89 Ill. Adm. Code 435: Administrative Appeals and Hearings;
- d) when the issue regards only the Medical Assistance Program under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et

seq.). Appeals regarding Title XIX should be requested from the Department of Public Aid; or

e) when a court finding of child abuse or neglect has been made and the appellant is requesting that the record of the report of child abuse or neglect be destroyed.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.6 The Right to Appeal and Receive a Fair Hearing

a) The Department shall inform families and/or the alleged perpetrators of child abuse/neglect, if not family members, of the right to appeal the Department's decisions and shall provide clear instructions on how to request an appeal and receive a fair hearing. This explanation shall be provided during:

- 1) the intake assessment period when the Department is deciding whether the children and families should receive child welfare or day care services; or
 - 2) after the investigation of a report of child abuse or neglect has been completed.
- b) This explanation shall be given both orally and in writing in the family's and/or alleged perpetrator's primary language.

c) When requested, Department staff shall assist families and/or alleged perpetrators of child abuse or neglect, if not family members, in exercising their right to appeal and receive a fair hearing.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.7 Notices of Department Decisions

a) What Notices are Required

Families and/or alleged perpetrators of child abuse or neglect, if not family members, have the right to receive a timely written notice of Department decisions:

- 1) to grant or deny services requested by the family;
- 2) to reduce, suspend, or terminate services requested by the family; or
- 3) to determine that a child abuse or neglect report is either "unfounded" or "indicated".

b) When the Notices Are Required

In order for the notice to be considered "timely" it must be mailed within the following time frames:

- 1) the Department's decision of whether to grant or deny services requested by the family shall be mailed within 30 calendar days of the first contact with the child or family;
- 2) the Department's decision of whether to reduce, suspend or terminate services requested by the family shall be mailed at least 10 calendar days before the child or family would have received the reduced, suspended, or terminated services; or
- 3) the Department's decision of whether a report of child abuse or neglect is "indicated" or "unfounded" shall be mailed within 10 calendar days after that decision has been made.

c) Content of Notices

Each required notice of a Department decision shall:

- 1) include a specific statement of the action the Department intends to take;
- 2) specify the proposed date for the intended action;
- 3) state the reasons and the Department rules supporting the action;
- 4) state that a Department review of the decision is available;
- 5) explain that the decision will be informally reviewed at the field office and Regional Office level or the child protection administration level, as appropriate, before a formal appeal is granted;
- 6) indicate that if a review of the Department's decision is desired, it must be requested within 60 calendar days of the date of notice.
- 7) indicate that services may continue unchanged if a review of the Department's decision is requested within 10 calendar days of the date of the notice;
- 8) provide the name, address, and phone number of the individual who must be contacted in order to request a review of the Department's decision; and

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- 9) explain that the client may bring a representative to the appeal.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.8 Requirements for Notices

- a) All written notices used in this part shall be in the client's primary language when that language is used by the majority of the children and families in an established community. When the language is not used by the majority of children and families in an established community, the written notice shall be in English but shall contain a message in the client's primary language. This message shall state that:

- 1) the notice is very important and concerns their children;
- 2) the client should have it translated immediately; and
- 3) if the client cannot obtain a translation of the notice, the Department shall provide a translation upon the client's request.

- b) Notices shall be handed delivered or sent by certified mail to "the addressee only."

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.9 How to Request a Review and Appeal Hearing

- a) In order to begin the review and appeal process clients shall, within 60 calendar days of the date of the notice of the decision, ask the Department to review its decision. If clients want the services to be continued unchanged throughout the appeal process, they shall request a review of the decision within 10 calendar days of the date of the notice of the decision. When clients did not receive a written notice of the Department's decision, clients may appeal the decision within 90 days of learning of the Department's action or inaction.

- b) The appeal request for other than child abuse or neglect reports begins the three step appeal process. The three steps of the appeal process are:

- 1) field office reconsideration;
- 2) regional review; and
- 3) the appeal hearing.

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- c) The appeal request for child abuse or neglect reports begins a two step appeal process. The two steps of the appeal process are:

- 1) child protection administration review; and
- 2) the appeal hearing.

- d) The request for an appeal must be made in writing and shall be submitted to the Department staff person designated in the written notice. If the client is unable to request their appeal in writing, the Department shall help the client put the request in writing.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.10 Continuing Services During the Review and Appeal Process

If the client requests an appeal hearing within the 10 calendar days following the date of the timely notice, the Department shall continue to provide the services unchanged during the appeal process.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.11 Timeframe for the Appeal Process

On the day the Department receives a written or oral request for an appeal, the appeal process shall begin. The Department shall make its final administrative decision on the appealed issue and take any corrective actions specified in the decision within 90 calendar days from the date the appeal process began.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.12 Field Office Reconsideration

When a client appeals a Department decision, the field office shall have 10 calendar days to reconsider the decision. Any additional information or evidence provided by the appellant shall be weighed in the reconsideration. At the end of the 10 calendar day period, if the issue has not been resolved to the appellant's satisfaction, all of the information shall be immediately given to the Regional Office for its review.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.13 Regional or Child Protection Review

- a) If the field office did not resolve the issue to the appellant's satisfaction, the Regional Office shall have an additional 10

- 3) the appeal has been abandoned. Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual acting responsibly on the behalf of the appellant fails to appear at the hearing and the appellant does not have a good reason for failing to appear;
- 4) the issue is not within the jurisdiction of the appeal system; or
- 5) the request for the appeal was not received within 60 calendar days of the date of the notice. The 60 calendar day time period does not apply to requests for amendment or expungement of child abuse or neglect reports and is also inapplicable when the Department failed to send a required written notice, failed to act on a request within the appropriate time frames specified in this Part, or denied a request without informing the client.

c) The Department shall give written notice of the decision to grant or deny the request for an appeal hearing within 10 calendar days of receipt of the request. If the Department finds that the issue is not an appealable issue under this part but can be appropriately heard through another appeal process (as outlined in 89 Ill. Adm. Code 435) the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.16 Notice Concerning the Appeal Hearing

- a) The administrator of the review and appeal system shall schedule the hearing at a date within 30 calendar days of the date the appellant stated that the review did not resolve the issue to the appellant's satisfaction. The appeal shall be scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place the administrator shall make this determination and proceed to schedule the hearing.
- b) At least 15 calendar days before the scheduled hearing the administrator of the review and appeal system shall provide a written notice to the appellant containing the following information:

- 1) the date, time and location of the hearing;
- 2) that failure to appear at the hearing without a good reason may be deemed an abandonment of the request and shall constitute a waiver by the appellant of the right to a hearing; and

calendar days to review the information, contact the appellant, if necessary, and make another decision on the issue.

- b) If the Regional office originally made the decision, the Regional Office has only 10 calendar days from the date of the notice to review the case and make a decision.
- c) The child protection administrator has 30 calendar days to review an appeal related to a child abuse or neglect investigation, contact the appellant, if necessary, and reach a decision on the issue.
- d) The decision from the regional review or the child protection review, as applicable, may affirm the original decision, modify the original decision, or reverse the original decision.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.14 Notice of Regional Office or Child Protection Administrator Decision

The Regional Office or child protection administrator shall send the appellant a notice which summarizes the facts and information considered during the review and explains the decision. The notice shall also explain that if the issue has not been resolved to the appellant's satisfaction, a formal appeal hearing may be requested by contacting the Regional Administrator or the child protection administrator. The request to continue the issue to a formal appeal hearing may be made either orally or in writing. This request must be received within 15 calendar days of the date of the notice of the decision.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.15 Disposition of the Request for an Appeal Hearing

- a) The administrator of the review and appeal system shall grant a request for an appeal hearing when the original request for review was received within 60 calendar days of the date of the notice (if a notice was sent) and the request for a formal hearing was received within 15 days of the date of notice of the Regional office review or the child protection administrator decision and the issue is within the jurisdiction of the appeal system.

b) The administrator of the review and appeal system shall dismiss a request for an appeal hearing for the following reasons only:

- 1) regional or child protection review has not been exhausted;
- 2) the appeal has been withdrawn in writing;

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- 3) that the appellant has the appeal rights listed in Section 309.17 of this part.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.17 Appeal Rights

- a) Appellants may require the attendance at the hearing of a Department employee, purchase of service provider or other persons who may have information relevant to the issues in dispute by asking the administrator of the review and appeal system to issue appropriate subpoenas;
- b) Appellants may bring representatives, including legal counsel, to the hearing. These representatives shall be brought at the appellant's expense;
- c) Appellants have the right to prohibit the introduction of any evidence which has not been available to the appellant at least 2 calendar days before the hearing;
- d) Upon the appellant's request, the Department shall provide an interpreter if English is not the appellant's primary language;
- e) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party at the hearing at least 10 calendar days before the hearing as well as during the hearing;
- f) During the appeal hearing, the appellant and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information reasonably related to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
 - 4) dispose of any disputed issue by mutually agreeing to a resolution.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.18 The Hearing Officer(s)

- a) Appointment of the Hearing Officer(s)

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The administrator of the review and appeal system shall select and appoint a trained impartial hearing officer(s) from the available pool to conduct the appeal hearing. The hearing officer(s):

- 1) shall possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare including familiarity with Department functioning;
- 2) shall not have been involved in the decision to take the action being appealed; and
- 3) shall not have a personal or professional interest which conflicts with the exercise of objectivity.

b) Functions of the Hearing Officer(s)

The hearing officer(s) shall:

- 1) conduct a fair, impartial and informal hearing in which the strict rules of evidence need not apply;
- 2) provide for the recording of the case proceedings;
- 3) inform participants of their individual rights and their responsibilities;
- 4) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute; and
- 5) present a written report to the Director within 10 calendar days of the appeal hearing. This report shall include a recommended decision based exclusively on information considered at the hearing and shall set forth all issues together with all papers, physical evidence, and findings of fact.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.19 Combined Hearings

When a common issue is raised, the Department may respond to requests for hearings from more than one client by conducting a single group hearing. The Department may also combine all issues raised by a single petitioner in one hearing. In all group hearings, the appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately.

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(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.20 Final Administrative Decision

- a) Making the Final Administrative Decision

The Director of the Department shall receive the recommended decision from the hearing officer(s) and shall agree, disagree, or modify the recommended decision. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.

- b) Notice of the Availability of Judicial Review

The Department shall include a notice to applicants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance and shall advise the applicants that under the provisions of the Administrative Review Act (Ill. Rev. Stat., 1979, ch. 110, par. 264 et seq.) they may seek a judicial review of the Department's decision.

- c) Who Receives Copies of the Final Administrative Decision

The applicant, his authorized representative or person acting responsibly in his behalf, if any, the Department field office or child protection investigation unit, and the Department Regional Office or child protection administrator shall receive a copy of the final administrative decision.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.21 Record of Appeal Hearings

The permanent record of the appeal, the fair hearing, and the final administrative decision shall be maintained by the administrator of the review and appeal system. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431: Confidentiality of Personal Information of persons served by the Department, and federal laws and regulations on confidentiality.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.22 Hearings About the Content of Child Abuse and Neglect Records

A subject of a report of child abuse or neglect may ask the Department to amend or expunge identifying information from, or remove the record of the

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report from the State Central Register on the grounds the record is inaccurate or being maintained in a manner inconsistent with the law. If the issue is not resolved by the child protection administrator within 30 days of the date of the request, the subject may ask for a fair hearing pursuant to Section 309.15 et seq of this Part. In an appeal hearing concerning child abuse or neglect reports:

- a) the Department carries the burden of proof of justifying the refusal to change or delete the record; and
b) the hearing officer has the authority to order changes in the child abuse and neglect record.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 309.23 Severability of This Part

If any Court of competent jurisdiction finds that any section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Repealed at 16 Ill. Reg. , effective)

1) Heading of Part: Service Appeal Process

2) Code Citation: 89 Ill. Adm. Code 337

3) Section Numbers:

<u>Proposed Action</u>
337.10 New Section
337.20 New Section
337.30 New Section
337.40 New Section
337.50 New Section
337.60 New Section
337.70 New Section
337.80 New Section
337.90 New Section
337.100 New Section
337.110 New Section
337.120 New Section
337.130 New Section
337.140 New Section
337.150 New Section
337.160 New Section
337.170 New Section
337.180 New Section
337.190 New Section
337.200 New Section
337.210 New Section
337.220 New Section
337.230 New Section
337.240 New Section
337.250 New Section

4) Statutory Authority: "The Children and Family Services Act," (Ill. Rev. Stat. 1991, ch. 23, par. 5004 and 5005).

5) A Complete Description of the Subjects and Issues Involved: Proposed new rules 337 will replace parts of 89 Ill. Adm. Code 309, Review and Appeal Process. Part 309 describes the review and appeal process for both child abuse and neglect investigations and child welfare services. Part 337 will provide a new, simplified appeal process for Department clients who receive child welfare services. These new rules offer a one-step appeal process with an optional pre-appeal mediation hearing.

The new rules also specifically address which issues/decisions may be appealed, who may file a request for an appeal, how to request an appeal, and the timeframes and required notices related to the appeal process. These new rules allow for an expedited "emergency review" in the appeal process in certain limited situations when the child will be

at risk of harm by waiting until the final administrative decision is issued. These rules also implement provisions of the Administrative Procedure Act with regard to the provision of proper notice of Department decisions to appellants, and Federal regulations 45 CFR 205.10.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date: Yes X No
If "yes", date: _____

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Child welfare agencies, child care facilities, and any other entities who contract to provide services for the Department.

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C) Reporting, bookkeeping or other procedures required for compliance:
None.

D) Types of professional skills necessary for compliance: Knowledge of child welfare law and practice and the basic tenets of due process in accordance with the U.S. and Illinois Constitutions and the Illinois Administrative Procedure Act.

The full text of the Proposed Rules begins on the next page:

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 337

SERVICE APPEAL PROCESS

Section	Purpose
337.10	Definitions
337.20	The Service Appeal Process
337.30	Department and Provider Agency Responsibilities on Appealable Issues
337.40	The Right to a Service Appeal
337.50	Who May Appeal
337.60	What May Be Appealed
337.70	What May Not Be Appealed
337.80	Notices of Department or Provider Agency Decisions
337.90	How to Request a Service Appeal
337.100	Grounds for Dismissal of a Service Appeal Request
337.110	Time Frames for the Service Appeal Process
337.120	Continuing Services During the Service Appeal Process
337.130	Confidentiality During the Service Appeal Process
337.140	Notice Concerning a Service Appeal
337.150	Abandonment of a Service Appeal
337.160	Fair Hearing Appeal Rights
337.170	The Administrative Law Judge
337.180	Record of a Fair Hearing
337.190	Combined Hearings
337.200	Continuances Requested in a Combined Hearing
337.210	The Final Administrative Decision
337.220	Who Receives a Copy of the Final Administrative Decision
337.230	Notice of the Availability of Judicial Review
337.240	Severability of This Part
337.250	

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, pars. 5004 and 5005).

SOURCE: Adopted at 16 Ill. Reg. , effective

Section 337.10 Purpose

These rules govern the service appeal process for child welfare services provided either directly or through a provider agency. Persons who may appeal through this process may include persons requesting or receiving services, and as governed by this Part, foster parents, relative caretakers, and relatives denied the placement of a related child.

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Section 337.20 Definitions

"Adequate Notice" means a notice which contains all of the elements identified in Subsection 337.90 (c).

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative Law Judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal, or in whose behalf a service appeal is requested.

"Authorized Representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including handicapped/disabled, homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

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restoring to their families children who have been removed by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

i) who are in a foster home; or

ii) who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

iii) who are female children who are pregnant, pregnant and parenting or parenting; or

iv) who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

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"Date of action" means the effective date of the action or proposed action by the Department or provider agency which resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

"Date of notice" means the date in which appellant receives written notice of the Department's intended action or decision, or the date in which the appellant learns of the intended action or decision if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et. seq.), in facilities exempt from licensure, in the home(s) of relatives, or in their own home.

"Department representative" means the designated individual responsible for presenting the Department's position in an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency which may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing" as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether such action or decision was in compliance with applicable laws and rules and in the best interests of the child.

"Family" means the biological or adoptive parents, provided a court has not terminated parental rights, legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final Administrative Decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case which affects the legal rights, duties or privileges of appellants, and which may be appealed in the circuit court under the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101).

"Imminent risk of harm" means that individuals actions or conditions endanger the life, physical or mental health, or safety of themselves or others if protective action is not taken immediately.

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"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for his or her self.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decision(s) made by the Department or its agents.

"Preponderance of the Evidence" means the greater weight of the evidence or evidence which renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Relative" means any person who has any of the following currently existing relations to a child by blood or adoption: grandfather, grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, brother, sister, uncle, aunt, nephew, niece or first cousin.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to review appealable service issues raised by appellants.

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"Services" means child welfare or day care services, including placement services, or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 U.S.C. Section 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or Final Administrative Decision by the Department.

"Timely written notice" means a notice which complies with the requirements of Subsection 337.90 (b).

Section 337.30 The Service Appeal Process

The service appeal process for the Department of Children and Family Services, consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation resolves the issues, an agreement is drawn up with the assistance of the mediator and signed by the parties. In some instances the issue on appeal is too immediate to await the Final Administrative Decision on the action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and Final Administrative Decision.

a) Mediation

- 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.
- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.
- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.

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- 4) Any party participating in mediation shall be prohibited from subpoenaing the mediator or documents developed during the mediation process in any subsequent proceeding.

b) Emergency Review

An emergency review allows for an interim decision pending a fair hearing and can be requested by a party. The request for an emergency review must be in writing and shall be submitted to the Bureau of Quality Assurance, Department of Children and Family Services, Suite 6-2000, 100 West Randolph, Chicago, Illinois 60601. The emergency review must be requested within ten calendar days of the date of an appeal. The Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ten calendar days from the date of the request for emergency review. The Department shall implement the order within five calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

1) Lack of Timely Notice Due to Imminent Risk of Harm

A party may request an emergency review within ten calendar days of the date of appeal on any issue where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action without timely notice. If the reviewer determines imminent risk of harm did not exist, the reviewer shall order corrective action.

2) Continuing During the Service Appeal Services Pertaining to Changes in Family Visitation and Placement

Where services pertaining to the family visitation plan and changes in placement remain unchanged because an appeal has been requested within ten calendar days of the date of notice, a party may request an emergency review if that party has reasonable cause to believe that harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether harm to the child is likely to result from the stay of action. If the reviewer determines harm to the child is likely to result, the reviewer may order corrective action.

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c) Fair Hearing

At a fair hearing, the Administrative Law Judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The Administrative Law Judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing. The burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was in the best interests of the child or otherwise in accordance with professional social work standards or Department policy.

Section 337.40 Department and Provider Agency Responsibilities on Appealable Issues

The Department or provider agency which made the decision or intends to take the action being appealed, shall be responsible as follows:

- a) When the Department is the service provider the Department is responsible to:
 - 1) provide timely and adequate notice as required in Section 337.90;
 - 2) make a determination whether the children are in imminent risk of harm;
 - 3) provide continuing services when there is a stay of action and reinstate services when the decision is made to do so;
 - 4) within 15 calendar days from the date of appeal prepare and submit to the Administrator of the Administrative Hearings unit and the appellants a written summary of the intended action or action already taken. Such summary shall include a statement and specific citation of the law or policy, reasons for the action, and a summary of the facts supporting the action;
 - 5) make available to the appellant the documents considered or created in taking the action(s) or reaching the decision(s) under appeal;
 - 6) provide at the hearing a staff person who is familiar with the case and proposed action(s) or decision(s) being appealed; and
 - 7) arrange for transportation or a telephone conference to ensure the child's participation or presence at the proceeding, if a child for whom the Department is legally responsible will participate in or attend any part of the appeal process. The

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Department shall bear the cost of the transportation or the telephone conference.

- b) When the provider agency is the service provider, the provider agency is responsible to:
 - 1) provide timely and adequate notice as required in Section 337.90;
 - 2) provide continuing services when there is a stay of action and reinstate services when the decision is made to do so;
 - 3) conduct a review of the action(s) taken or decision(s) made prior to the emergency review or mediation. Such agency review shall be conducted by an administrator of the provider agency;
 - 4) within 15 calendar days from the date of appeal, submit to the Administrator of the Administrative Hearings Unit and the appellants a summary of the outcome of the review. Such summary shall include a statement and specific citation of the law or policy, reasons for the action, and a summary of the facts supporting the action;
 - 5) provide to the Department all information and records pertinent to the action(s) or decision(s) under appeal;
 - 6) make available to the Department and the appellant the documents considered or created in reaching the decision(s) under appeal;
 - 7) provide at the hearing a staff person who is familiar with the case and action(s) or decision(s) being appealed; and
 - 8) arrange for transportation or a telephone conference to ensure the child's participation or presence at the proceeding, if a child for whom the Department is legally responsible will participate in or attend any part of the appeal process. The provider agency shall bear the cost of the transportation or the telephone conferences.

Section 337.50 The Right to a Service Appeal

- a) The Department or provider agency shall provide clear written instructions on how to request an appeal. These instructions shall be provided when the commencement or denial of services occurs, during the intake assessment period, when a decision has been made to change services, during the administrative case review, and at any time services are requested and denied.

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b) Information and instructions regarding the appeal shall be provided in writing in the appellant's primary language.

c) If the appellant is unable to request a service appeal in writing, the Department or provider agency shall provide assistance to ensure that the request is made in writing.

d) The appeal may be filed by the appellant or his or her authorized representative.

Section 337.60 Who May Appeal

a) The following persons may appeal decisions made by or on behalf of the Department in accordance with Section 337.70.

- 1) families and children who receive child welfare services, either directly from the Department or through its provider agency;
- 2) families and children requesting child welfare services from the Department;
- 3) foster parents or relative caretakers who have care and custody of a child for whom the Department is legally responsible; or
- 4) relatives denied placement of a related child for whom the Department is legally responsible.

b) The appeal may be requested by:

- 1) families and children who receive child welfare services, either directly from the Department or through its provider agency;
- 2) families and children requesting child welfare services from the Department;
- 3) foster parents or relative caretakers who have care and custody of a child for whom the Department is legally responsible;
- 4) relatives denied placement of a related child for whom the Department is legally responsible;
- 5) the authorized representative of any of the above persons;
- 6) an individual who has been appointed by a court to legally act on behalf of the above parties; when monetary claims are at

issue, an individual appointed by the court as administrator of the estate or a person acting in a similar capacity may appeal for the deceased person. A certified copy of the court's order must be provided as authorization to represent such persons.

c) If an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the party in the mediation or emergency review and the fair hearing. These rights include the right to review and copy case materials pursuant to 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, to receive Department notices, to speak in the mediation or emergency review, and the fair hearing, and to take any other actions permitted an appellant in this Part.

Section 337.70 What May Be Appealed

a) By Families and Children

Families and children may appeal the following issues:

- 1) the denial in whole or in part of child welfare or day care services in accordance with 89 Ill. Adm. Code 303, Access to and Eligibility for Day Care Services, requested by families or children, or the failure of the Department or its provider agency to decide within 30 calendar days of the date of the request whether to grant or deny services requested by the parents or children;
- 2) a decision to reduce, suspend or terminate services;
- 3) the choice of a permanency goal, or the denial of a request for a change in permanency goal;
- 4) the failure to complete a service plan within 30 calendar days of case opening or the failure to review the service plan within the Department's specified time frames;
- 5) the failure to provide services as specified in the service plan;
- 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
- 7) a change in the placement of the child;

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- 8) the imposition of unnecessary services or conditions as part of a service plan;
- 9) a denial of a request for service made by an individual legally appointed to represent a minor, incompetent, or incapacitated person; and
- 10) a denial of a relative's request for placement with that relative of a child for whom the Department is legally responsible.

b) By Foster Parents and Relative Caretakers.

- 1) Foster parents and relative caretakers may appeal the following issues:

- A) decisions made by the Department or its provider agency which directly affect the foster parent or relative caretaker, such as payment issues, as defined in 89 Ill. Adm. Code Part 359, Authorized Child Care Payments;
- B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
- C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
- D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), relative(s), or sibling(s). This also does not include placements with a family for purposes of adoption, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.

- 2) Foster parents and relative caretakers have the right to be heard by the Bureau of Quality Assurance on issues specified in 89 Ill. Adm. Code 305, Client Service Planning, Section 305.80, Decision Review, which issues are not appealable under this Part. However, they will not be considered a party to the service appeal on issues which may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues

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which do not directly affect the foster parents themselves or in their role as caretaker of the child. The residual rights and responsibilities of parents are further defined in Section 801-3 of the Juvenile Court Act of 1987, (Ill. Rev. Stat. 1991, ch. 37, sec. 801-3).

c) By Relatives

Relatives who are denied placement of a related child may appeal the denial.

Section 337.80 What May Not Be Appealed

The Administrator of the Administrative Hearings Unit will decide whether an issue is appropriate for fair hearing, pursuant to Section 337.70. Issues inappropriate for a fair hearing include, but are not limited to:

- a) When the sole issue is one of state or federal law regulating the automatic adjustment of services for classes of children and families;
- b) When the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- c) When the issue is not a service issue as defined in 89 Ill. Adm. Code 302, Services Delivered by the Department, or 89 Ill. Adm. Code 303, Access To and Eligibility For Day Care Services, 89 Ill. Adm. Code 304, Access To and Eligibility For Child Welfare Services, 89 Ill. Adm. Code 305, Client Service Planning and 89 Ill. Adm. Code 359, Authorized Child Care Payment. Such issues are to be appealed through a different appeal and administrative hearing process, as identified in 89 Ill. Adm. Code 435, Administrative Appeals and Hearings;
- d) When the issue regards only the Medical Assistance Program under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). Appeal requests regarding Title XIX services should be sent to the Department of Public Aid.
- e) When a court has made a judicial determination or issued an order on the issue being appealed.

Section 337.90 Notices of Department or Provider Agency Decisions

a) Required Notices

- 1) Persons who may appeal, pursuant to Section 337.60, have the right to receive a timely and adequate written notice of Department or provider agency decisions. This notice may be

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in the form of a completed service plan provided the service plan includes, either in the case plan or through additional documents, all of the elements required in an adequate notice (Subsection 337.90(c)). Such notice shall be provided by the entity making the decision. A timely and adequate written notice is required on decisions that are appealable under Section 337.70.

- 2) Notices need not be "timely" in situations where a child is considered to be in imminent risk of harm if the action is not taken immediately. In situations where the Department assessed a child to be in imminent risk of harm, the Department may dispense with "timely written notice", but shall send adequate written notice no later than the date of the action and shall include a statement explaining why timely notice was not provided.

- 3) Written notice shall be in the appellant's primary language.

b) Timely Written Notices

A written notice is considered "timely" when mailed within the following time frames:

- 1) within 30 calendar days of the child or family's request for child welfare or day care services;
- 2) at least ten calendar days before an action to reduce, suspend or terminate services, or before implementing a critical decision in situations where the Department does not consider the child in imminent risk of harm;
- 3) within 30 calendar days of the date the Department is given notice of the relative's request for placement of a Department ward.

c) A written notice is considered "adequate" when it contains:

- 1) a specific statement of the action the Department or its provider agency intends to take;
- 2) the proposed date for the intended action;
- 3) the reasons and information supporting the action, and specific rules relied upon when taking the action;
- 4) a statement advising the individual of the right to appeal the decision made by the Department or its provider agency or any part of the service plan with which he or she may not agree;

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- 5) an explanation of the service appeal process available;
- 6) a statement that if an appeal of the decision made by the Department or its provider agency is desired, the appeal must be requested in writing within 45 calendar days of the date of notice;
- 7) a statement that services will continue unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within ten calendar days of the date of notice;
- 8) if the issue is subject to emergency review, a statement advising the individual that an emergency review is available upon request;
- 9) the name and address of the individual who must be contacted in order to request an appeal of the decision;
- 10) a statement that the individual may have a lawyer, or other representative, witnesses, or other individuals having knowledge of the issues in dispute throughout the appeal process; and
- 11) a statement informing the individual that he or she may submit a brief, written summary which may include additional information for consideration as to why the Department or provider agency should change its decision.

d) Delivery of Notices

Notices shall be:

- 1) hand delivered with a certificate of delivery signed by the appellant or representative; or
- 2) be sent certified or registered mail to such parties or their agents appointed to receive service of process in accordance with the requirements of the Ill. Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010a).

Section 337.100 How to Request a Service Appeal

- a) The appellant shall request a service appeal in writing within 45 calendar days of the date of notice. The appellant shall include in the request his or her name, address, and a statement of the intent to appeal. The appellant may also submit a general statement of the issue(s) appealed, a brief written summary stating his

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or her position regarding the Department's decision, and may include additional information for the Department to consider as to why the Department should change its decision.

- b) If the appellant wishes the services to remain unchanged during the time of the appeal, the appellant shall request an appeal in writing within ten calendar days of the date of notice.
- c) The request for a service appeal must be in writing and shall be submitted to the Bureau of Quality Assurance, Department of Children and Family Services, Suite 6-200, 100 West Randolph, Chicago, Illinois 60601.
- d) If the appellant is unable to request a service appeal in writing the Department or provider agency shall provide assistance to ensure that the request is made in writing.

Section 337.110 Grounds for Dismissal of a Service Appeal Request

- a) The Administrator of the Administrative Hearings Unit shall dismiss a request for a service appeal for the following reasons:

- 1) the appellant failed to request an appeal within the time frames allowed. However, when timely or adequate notice was not provided in accordance with this Rule, the appellant may appeal up to 45 days from the date they receive adequate notice of the Department's action or decision;
 - 2) the appeal has been withdrawn in writing. If the appellant is unable to withdraw the appeal in writing, the Department or provider shall help the appellant put the withdrawal in writing;
 - 3) the issue is not within the jurisdiction of the appeal system;
 - 4) a court has made a judicial determination or issued an order on the issue being appealed; or
 - 5) the appellant has waived the right to a service appeal by abandoning his or her right, as defined in Section 337.160.
- b) The Administrator of the Administrative Hearings Unit shall give written notice of the decision to grant or deny the request for an appeal within ten calendar days of receipt of the request. If the Department finds that the issue is not an appealable issue under this Part, but may be appropriately heard through another appeal process (refer to 89 Ill. Adm. Code 435, Administrative Appeals and Hearings), the Department shall forward the request for appeal to the proper hearing authority and notify the appellant of this action.

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Section 337.120 Time Frames for the Service Appeal Process

The appeal process shall begin on the date of appeal as defined in Section 337.20. The Department shall give the appellant an opportunity to attend a mediation within 30 calendar days from the date of appeal and shall schedule a fair hearing within 45 calendar days from the date of appeal. An emergency review shall be heard on the appropriate issues within 10 calendar days from the date of the appeal. The Department shall make and implement a Final Administrative Decision on the appealed issue within 90 calendar days from the date of appeal, extended by any delay caused by or agreed to by appellant.

Section 337.130 Continuing Services During the Service Appeal Process

When an appellant requests a service appeal within the ten calendar days following the date of notice of the action to be taken, the Department or its provider agency shall continue to provide services unchanged during the appeal process unless the situation is determined to be one which would result in imminent risk of harm to the child or others if services remain unchanged, or if a corrective order has been issued by the reviewer subsequent to an emergency review.

Section 337.140 Confidentiality During the Service Appeal Process

- a) The Department has an affirmative duty to protect the confidentiality of personal information of clients served by the Department, in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, and the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. par. 671 (a)(8)). Confidentiality shall be preserved during mediation, emergency review, the fair hearing, the transmittal of the Administrative Law Judge's recommendation to the Director and the release of the Final Administrative Decision.
- b) The mediator, reviewer, and the administrative law judge have the right to exclude any individual or agency that does not have the right of access to the information being presented in accordance with the Adoption Assistance and Child Welfare Act of 1980, the Children and Family Services Act, the Abused and Neglected Child Reporting Act, and any other pertinent act.
- c) The mediator, reviewer, and administrative law judge have the authority to divide the proceeding into segments which deal with issues of the parent, child or other parties in order to preserve confidentiality as mandated under applicable statutes and rules, and to prohibit discussion or introduction of evidence that is outside of the scope of the issues being presented in that segment.

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- d) The client and/or authorized or legal representative have the right to review the case record, as provided by 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, upon request, with the exception of deleted confidential information, and to review any material the Department or agency intends to submit at the hearing. The case record will be made available for viewing by the client or representative in the presence of a Department employee during regular business hours at the office providing or denying services. The client or representative may obtain copies of the case record material in accordance with the Department's rules on confidentiality (89 Ill. Adm. Code 431).

Section 337.150 Notice Concerning a Service Appeal

The following persons shall receive notice that an appeal request has been granted, and of the dates, times and places of the service appeal proceedings: the appropriate Department field and regional offices, the Administrator of the Administrative Hearings unit, the child (if age 13 or over and residing in substitute care), the family, any authorized or legal representative, as defined in Section 337.60, the provider agency, and foster parents, when the issues raised on appeal directly affect the foster parents or their role as caretaker of the child. If any of the above wish to participate in the service appeal, they must notify the Department no more than five days prior to the initial proceeding.

- a) If the appellant agrees to mediation, or if an emergency review is requested, the Department shall provide written notice to all parties of the time, date, and place of the mediation or emergency review. Notice concerning mediation and emergency review shall inform the parties of the right to bring any evidence in an attempt to resolve the problem more quickly.
- b) The Department shall provide written notice to the appellant of a fair hearing, which shall contain the following:
- 1) the date, time and location of the hearing;
 - 2) a statement that the appellant or his or her authorized or legal representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing in accordance with Section 337.160 of this Part; and
 - 3) a statement of the parties' rights during the appeal process.
- c) All proceedings shall be scheduled at a time, date, and place reasonably convenient for all parties.

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Section 337.160 Abandonment of a Service Appeal

- a) An appellant shall be considered to have abandoned a service appeal if the appellant, the appellant's authorized representative, or an individual legally acting on the behalf of the appellant fails to appear at the fair hearing without adequate cause, has not requested rescheduling prior to the hearing, or had requested rescheduling and the request was denied. Abandonment will constitute a waiver of the right to appeal. Adequate cause for failing to appear at a fair hearing includes, but is not limited to:

- 1) death in the family of the appellant or in the family of the appellant's representative;
 - 2) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;
 - 3) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department.
- b) The Department shall reschedule those cases being continued for adequate cause as soon as reasonably convenient.

Section 337.170 Fair Hearing Appeal Rights

- a) The Department carries the burden of proof in showing by a preponderance of the evidence that the decision made or action taken was in the best interests of the child or otherwise in accordance with professional social work standards or Department policy.
- b) The appellant has the right to request a rescheduling or continuance of the hearing when:
- 1) the appellant, his or her representative, or witness is not available and the appellant can demonstrate adequate cause for the lack of availability;
 - 2) the appellant and the agency are in the process of negotiating an agreement to resolve the issue in dispute;
 - 3) additional time is needed to respond to expert evidence produced pursuant to Section 337.170(g).
- The time period from the date of request until the new hearing date shall not be considered as part of the 90 day time frame in which the Department has to issue and implement its Final Administrative Decision.
- c) A party may require the attendance at the hearing of any person who has information relevant to the issues in dispute by asking the

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administrator of the administrative hearings unit to issue appropriate subpoenas. Witness fees and travel expenses for persons requested by the parties, other than Department employees or provider agency staff under contract with the Department, are the responsibility of the parties making the request.

- d) A party may bring a representative, including legal counsel, and witnesses to the hearing at the party's expense.
- e) Upon the request of a party, or when the need is demonstrated, the Department shall provide an interpreter at no cost if English is not the party's primary language, or if the party is hearing impaired.
- f) Any prehearing motions shall be filed with the administrative law judge at least 10 calendar days before the hearing, unless the party filing the motion can show the required evidence or information was not available within the required time frame. Copies shall be provided simultaneously to the Administrator of the Administrative Hearings Unit and all other parties.

- g) At least five calendar days before the fair hearing, each party shall disclose to every other party the documents, a list of witnesses, and other evidence the party intends to introduce at the hearing. If a party fails to disclose evidence and then seeks to introduce it at the hearing, the Administrative Law Judge shall have the authority to rule on whether to admit or exclude the evidence. In determining the appropriate sanction, the Administrative Law Judge shall consider the surprise or prejudice to the other parties, including prior disclosure at administrative case review, mediation and emergency review. The Administrative Law Judge's authority includes adjourning or continuing the hearing to a later time or date to permit the other parties to examine the evidence and prepare their cases accordingly. The period between disclosure of the evidence and rescheduling the hearing shall not be considered in the 90 calendar day time frame the Department has to issue and implement its Final Administrative Decision.

- h) The parties have the right to obtain examining physician's reports, medical review team's decisions, or medical assessments at the expense of the Department if the administrative law judge deems this information is necessary and pertinent to the issue under appeal.

- i) During the fair hearing, the parties have the right to:

- 1) present and question witnesses;
- 2) present any information relevant to the issues;

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- 3) question or disprove any information, including an opportunity to question opposing witnesses; and
- 4) dispose of any disputed issue by mutually agreeing to a resolution.

Section 337.180 The Administrative Law Judge

a) Appointment of the Administrative Law Judge

The Administrator of the Administrative Hearings unit shall select and the Director shall appoint a trained, impartial administrative law judge to conduct the fair hearing. The administrative law judge:

- 1) shall be an attorney licensed to practice law in the State of Illinois;
- 2) shall possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law including familiarity with Department rules, procedures and functions;
- 3) shall not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and
- 4) shall not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

b) Functions of the Administrative Law Judge

The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 100, et. seq.). This authority shall include, but is not limited to the following:

- 1) prior to the hearing, conduct prehearing and preliminary telephone conferences, if necessary, among the parties and/or their attorneys;
- 2) conduct a fair and impartial hearing in which the strict rules of evidence do not apply;
- 3) provide for the recording of the hearing;

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- 4) take necessary steps to develop a full and fair record which contains all relevant facts;
- 5) inform participants of their individual rights and responsibilities;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause including but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) preserve all documents and evidence for the record;
- 9) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 10) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;
- 11) identify the issues, consider all relevant facts, and receive or request any additional information necessary to decide the matter in dispute. This may include, but is not limited to, the submission of briefs, memoranda of law, and affidavits.
- 12) order an examining physician's report, medical review team's decision, or medical assessments, if the administrative law judge considers them necessary and pertinent to the issue under appeal. If the administrative law judge deems this type of material necessary, the Department will pay for the expense of obtaining this material;
- 13) ensure that the appellant has full opportunity to present facts and information supporting his or her position, in accordance with any rules of evidence that may apply;
- 14) issue a recommendation to the Director of the Department based exclusively on the evidence presented at the hearing. This recommendation shall include a summary of the evidence, findings of facts, conclusions of law, and a recommended decision. This recommendation may also include recommendations of actions that should be taken to implement the recommended decision;
- 15) explore the possibility of reaching an agreement regarding services; and

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- 16) assist the parties in reaching an agreement on services.

Section 337.190 Record of a Fair Hearing

The record of the fair hearing and the final administrative decision shall be maintained by the Administrator of the Administrative Hearings unit. All Final Administrative Decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.

Section 337.200 Combined Hearings

When common issues are raised, the Administrator of the Administrative Hearings Unit may respond to requests for hearings from more than one appellant by conducting a single group hearing. The Administrator of the Administrative Hearings Unit may also combine all issues involving a single appellant in one hearing. Individuals shall be permitted to present their own cases separately. The Administrator of the Administrative Hearings unit, if required for the fair and efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The party or issue severed from the combined hearing shall be heard separately. When the issue being appealed is related to whether abuse or neglect occurred, and the indicated finding is under appeal through 89 Ill. Adm. Code 336, Appeal of Child Abuse and Neglect Investigation Findings, the Administrator of the Administrative Hearings unit shall decide whether to hear the cases jointly, separately or one ahead of the other. When considering this issue after reviewing the totality of the circumstances, the administrator shall consider what is in the best interests of the child and rule accordingly.

Section 337.210 Continuances Requested In A Combined Hearing

The Deputy Director of the Bureau of Quality Assurance or the Administrator of the Administrative Hearings Unit, whomever appropriate, shall also consider requests for continuances by any party. The best interests of the child or children is the determining factor when deciding these issues. A Final Administrative Decision must be made on the service appeal and implemented within 90 days of the date the Department received the request for the service appeal, extended by any delay caused or approved by an appellant.

Section 337.220 The Final Administrative Decision

The Director of the Department may agree, disagree or modify the administrative law judge's recommendation. The Director will then issue a decision which will be the Final Administrative Decision of the Department. The Director shall send the Final Administrative Decision to those listed in Section 337.230 of this Part. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who

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shall be responsible for assuring that prompt corrective action will be taken by the Department or provider agency within 90 days from the date of the appeal in compliance with the Final Administrative Decision. Notice of who is responsible for corrective action will be given to the appellants along with the final Administrative Decision.

Section 337.230 Who Receives a Copy of the Final Administrative Decision

The appellant, authorized representative of the child, the parent or parents, any authorized or court appointed representative as defined in Section 337.60, the administrative law judge, the Department's field-site office, the Department representative presenting the case, the Department's regional administrator, the Deputy Director of the Bureau of Quality Assurance, the Administrator of the Administrative Hearings Unit, and if applicable, the provider agency, guardian ad litem, foster parent, and purchase of service provider agencies shall receive a copy of the final administrative decision.

Section 337.240 Notice of the Availability of Judicial Review

The appellant shall be advised that under the provisions of the Administrative Review law, (Ill. Rev. Stat., 1991, ch. 110, par. 3-101 et seq.), he or she may seek a judicial review of the Department's Final Administrative Decision within the statutory time frame.

Section 337.250 Severability of This Part

If any court of competent jurisdiction finds that any section, clause, phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this part.

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of Part: Americans With Disabilities Act Grievance Procedure2) Code Citation: 4 Ill. Admin. Code 850

<u>Section Numbers:</u>	<u>Proposed Action:</u>
850.10	New Section
850.20	New Section
850.30	New Section
850.40	New Section
850.50	New Section
850.60	New Section
850.70	New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102, 12131-12134 (1991)), as specified in Title II regulations (28 CFR 35.107 (1991)), and authorized by Sections 5-5 and 5-20 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1005-5 and 1005-20, as amended by P.A. 87-823, effective July 1, 1992) and Section 5 of the Guardianship and Advocacy Act (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 705).5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a grievance procedure whereby qualified persons with disabilities may resolve allegations of denial or discrimination of public services on the basis of their disabilities as required by the Americans With Disabilities Act of 1990.6) Will this proposed rule replace an emergency rule currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed rules contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication of the notice in the Illinois Register to:

John B. Lower, General Counsel
Illinois Guardianship and Advocacy Commission
100 West Randolph Street, Suite 10-700
Chicago, Illinois 60601

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- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Illinois Guardianship and Advocacy Commission does not feel that this rulemaking will have any adverse effect on small businesses and so this rulemaking was not submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Rules begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED RULES

TITLE 4: GRIEVANCE PROCEDURES
CHAPTER XXII: GUARDIANSHIP AND ADVOCACY COMMISSION
PART 850
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
850.10	Definitions
850.20	Purpose
850.30	Procedure
850.40	Designated Coordinator Level
850.50	Final Level
850.60	Accessibility
850.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102, 12131-12134 (1991)), as specified in Title II regulations (28 CFR 35.107 (1991)), and authorized by Sections 5-5 and 5-20 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1005-5 and 1005-20, as amended by P.A. 87-823, effective July 1, 1992) and Section 5 of the Guardianship and Advocacy Act (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 705).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 850.10 Definitions

"ADA" means the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq. (1991)).

"Commission" means the Illinois Guardianship and Advocacy Commission.

"Complainant" means an individual with a disability who files a grievance form provided by the Commission in accordance with this Part.

"Designated Coordinator" means the person(s) appointed by the Director of the Illinois Guardianship and Advocacy Commission who is/are responsible for the coordination of efforts of the Commission to comply with and carry out its responsibilities under Title II of the ADA, including the investigation of grievances filed by complainant(s).

"Director" means the Director of the Illinois Guardianship and Advocacy Commission or his or her duly authorized representation.

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"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance" means any formal, written complaint under the ADA by an individual with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Commission; and
- 2) believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Commission or has been subject to discrimination by the Commission on the basis of his or her disability.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or the participation in programs or activities provided by the Commission.

"Working days" means Monday through Friday, excluding Saturday, Sunday, and State holidays.

Section 850.20 Purpose

- a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134 (1991)), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107 (1991)) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Commission, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

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- c) It is the intent of the Commission to foster open communication with all individuals requesting readily accessible programs, services, and activities. The Commission encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances. Upon the filing of a formal written grievance, it is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner.

Section 850.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Sections 850.40 and 850.50 of this Part, in the form and manner described, and within specified time limits. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Commission's final response.
- c) The Commission shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

Section 850.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 90 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the grievance form prescribed for that purpose. The grievance form shall be completed in full in order to receive proper consideration by the Designated Coordinator, and shall include:
 - 1) the complainant's name, address and telephone number;
 - 2) the best means and time for contacting the complainant;
 - 3) the program, activity or service which was denied the complainant or in which alleged discrimination occurred;
 - 4) the date and nature of the alleged denial or discrimination; and
 - 5) the signature of the complainant.

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- b) Upon request, assistance shall be provided by the Commission to complete the grievance form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and to the Director within 25 working days after receipt of the grievance form.

Section 850.50 Final Level

- a) If the grievance is not resolved to the satisfaction of the complainant at the Designated Coordinator Level, the complainant may submit a copy of the grievance form and Designated Coordinator's response to the Director of the Commission for final review. The complainant shall submit these documents to the Director together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within 5 working days after receipt by the complainant of the Designated Coordinator's response.

- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairperson.

- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the panel deems appropriate. The panel shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner intended to ensure a full and fair review.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.

- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the panel's recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be given, by personal delivery or by first class mail, to the complainant. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.

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- f) The grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.4 et seq.) or as otherwise required by law.

Section 850.60 Accessibility

The Commission shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 850.70 Case-by-Case Resolution

Each grievance involves a unique set of factors which include, but are not limited to, the specific nature of the disability; the essential eligibility requirements; the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Commission. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 18, 1992
- B) Types of small businesses affected: Cosmetologists and cosmetology schools.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: Cosmetology skills are required for licensure.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Barber, Cosmetology and Esthetics Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3) Section Numbers: Proposed Action:
1175.565 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 1703-5 through 1703-5(C)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking allows students who have acquired 750 or more clock hours at a school of cosmetology before it closes to transfer all accumulated hours to another cosmetology school.
- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175

THE BARBER, COSMETOLOGY, AND ESTHETICS,
AND NAIL TECHNOLOGY ACT OF 1985

Section

SUBPART A: GENERAL

1175.100 Fees
1175.105 English Translations
1175.110 Granting Variances

SUBPART B: BARBER

1175.200 Examination - Barber
1175.205 Examination - Barber Teacher
1175.210 Examination Requirements
1175.215 Application for Licensure
1175.220 Endorsement
1175.225 Renewals
1175.230 Restoration - Barber
1175.235 Restoration - Barber Teacher

SUBPART C: BARBER SCHOOLS

1175.300 School Approval Application
1175.305 Physical Site Requirements
1175.310 Student Contracts
1175.315 Advertising
1175.320 Recordkeeping - Transcripts
1175.325 Recordkeeping - Hours Earned
1175.330 Curriculum Requirements - Barber
1175.335 Curriculum Requirements - Barber Teacher
1175.340 Final Examination
1175.345 Change of Ownership
1175.350 Change of Location
1175.355 Change of Name
1175.360 Expansion
1175.365 Discontinuance of Program
1175.370 Withdrawal of Approval

DEPARTMENT OF PROFESSIONAL REGULATION
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SUBPART D: COSMETOLOGY

1175.400 Examination - Cosmetology
1175.405 Examination - Cosmetology Teacher
1175.410 Examination Requirements
1175.415 Application for Licensure
1175.420 Endorsement
1175.425 Renewals
1175.430 Restoration - Cosmetology
1175.435 Restoration - Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

1175.500 School Approval Application
1175.505 Physical Site Requirements
1175.510 Student Contracts
1175.515 Advertising
1175.520 Recordkeeping - Transcripts
1175.525 Recordkeeping - Hours Earned
1175.530 Curriculum Requirements - Cosmetology
1175.535 Curriculum Requirements - Cosmetology Teacher
1175.540 Final Examination
1175.545 Change of Ownership
1175.550 Change of Location
1175.555 Change of Name
1175.560 Expansion
1175.565 Discontinuance of Program
1175.570 Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/
COSMETOLOGY TEACHER

1175.600 Sponsor Approval
1175.605 Department Supervision
1175.610 Credit Hours
1175.615 Waiver of Continuing Education Requirements

SUBPART G: ESTHETICS

1175.700 Examination - Esthetics
1175.705 Examination - Esthetics Teacher
1175.710 Examination Requirements
1175.715 Application for Licensure
1175.720 Endorsement
1175.725 Renewals
1175.730 Restoration - Esthetics
1175.735 Restoration - Esthetics Teacher

DEPARTMENT OF PROFESSIONAL REGULATION
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SUBPART H: ESTHETICS SCHOOLS

- 1175.800 Esthetics School Application
- 1175.805 Cosmetology Schools Approved to Teach Esthetics
- 1175.810 Physical Site Requirements
- 1175.815 Student Contracts
- 1175.820 Advertising
- 1175.825 Recordkeeping - Transcripts
- 1175.830 Recordkeeping - Hours Earned
- 1175.835 Curriculum Requirements - Esthetics
- 1175.840 Curriculum Requirements - Esthetics Teacher
- 1175.845 Final Examination
- 1175.850 Change of Ownership
- 1175.855 Change of Location
- 1175.860 Change of Name
- 1175.865 Expansion
- 1175.870 Discontinuance of Program
- 1175.875 Withdrawal of Approval

SUBPART I: CONTINUING EDUCATION - ESTHETICIAN/
ESTHETICS TEACHER

- 1175.900 Sponsor Approval
- 1175.905 Department Supervision
- 1175.910 Credit Hours
- 1175.915 Waiver of Continuing Education Requirements

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (Ill. Rev. Stat. 1991, ch. 111, par. 1701-1 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. _____ effective _____.

Section 1175.565 Discontinuance of Program

- a) The Department shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the Department in writing of the actual closing date of the school.

- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) Students who have acquired 750 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed cosmetology school. Schools accepting these hours shall not be credited with the students' pass/fail statistics set forth in Section 1175.570(b), resulting from their first attempt on the Illinois Cosmetology examination.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

1) The Heading of the Part: FOOD STAMPS

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.34

Proposed Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking exempts the Earned Income Tax Credit as a resource for the month of receipt and the following month for Food Stamp purposes.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes X No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

121.58	Amendment	February 14, 1992 (16 Ill. Reg. 2420)
121.63	Amendment	December 20, 1991 (15 Ill. Reg. 18086)
121.63	Amendment	April 24, 1992 (16 Ill. Reg. 6708)
121.72	Amendment	February 14, 1992 (16 Ill. Reg. 2420)
121.73	Amendment	February 14, 1992 (16 Ill. Reg. 2420)
121.91	Amendment	October 4, 1991 (15 Ill. Reg. 14186)

Section Numbers Proposed Action Illinois Register Citation

121.94	Amendment	October 18, 1991 (15 Ill. Reg. 14999)
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10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Services
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

121.19 Ending a Voluntary Quit Disqualification
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements
121.24 Individuals Exempt From Work Registration Requirements
121.25 Failure to Comply
121.26 Period of Disqualification
121.27 Voluntary Job Quit
121.28 Good Cause for Voluntary Job Quit
121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomer and Boarder

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Section

121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Persons Who May Be Included in the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting
121.91 Monthly Reporting
121.92 Retrospective Budgeting
121.93 Direct Mail Issuance of Food Stamp Coupons
121.94 Replacement of Food Stamp Coupons or ATP Documents
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments
121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
121.120 Recertification of Eligibility
121.130 Residents of Shelters for Battered Women and their Children

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
121.135
121.140

Incorporation By Reference
Small Group Living Arrangement Facilities and
Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150
121.151
121.152
121.153
121.154

Definition of Intentional Violations of the Program
Penalties for Intentional Violations of the Program
Notification To Applicant Households
Disqualification Upon Finding of Intentional
Violation of the Program
Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section
121.200
121.201

Types of Claims (Recodified)
Establishing a Claim for Intentional Violation of
the Program (Recodified)

121.202
121.203
121.204

Establishing a Claim for Unintentional Household
Errors and Administrative Errors (Recodified)
Collecting Claim Against Households (Recodified)
Failure to Respond to Initial Demand Letter
(Recodified)

121.205
121.206

Methods of Repayment of Food Stamp Claims
(Recodified)
Determination of Monthly Allotment Reductions
(Recodified)

121.207
121.208

Failure to Make Payment in Accordance with Repayment
Schedule (Recodified)
Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and
authorized by Section 12-13 of the Illinois Public Aid Code
(Ill. Rev. Stat. 1989, ch. 23, pars. 12-4.4 through 12-4.6 and
12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5,
p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31,
p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p.
399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p.
165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p.
230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p.
173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p.
36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p.
96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p.
1; effective November 15, 1979; peremptory amendment at 4 Ill.

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Reg. 3, p. 49, effective January 9, 1980; peremptory amendment
at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended
at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended
at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency
amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for
maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797,
effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134,
effective October 17, 1980; amended at 5 Ill. Reg. 766,
effective January 2, 1981; amended at 5 Ill. Reg. 1131,
effective January 16, 1981; amended at 5 Ill. Reg. 4586,
effective April 15, 1981; peremptory amendment at 5 Ill. Reg.
5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071,
effective June 23, 1981; peremptory amendment at 10062,
effective October 1, 1981; amended at 5 Ill. Reg. 10733,
effective October 1, 1981; amended at 5 Ill. Reg. 12736,
effective October 29, 1981; amended at 6 Ill. Reg. 1653,
effective January 17, 1982; amended at 6 Ill. Reg. 2707,
effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective
July 1, 1982; amended at 6 Ill. Reg. 11921, effective September 9,
1982; amended at 6 Ill. Reg. 12318, effective September 21,
1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982;
amended at 7 Ill. Reg. 394, effective January 1, 1983; codified
at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May
1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983;
peremptory amendment at 7 Ill. Reg. 12899, effective October 1,
1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983,
peremptory amendment at 7 Ill. Reg. 16067, effective November 22,
1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984;
amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory
amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended
at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8
Ill. Reg. 17900, effective September 14, 1984; amended (by
adding section being codified with no substantive change) at 8
Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,
effective October 1, 1984; peremptory amendment at 8 Ill. Reg.
22145, effective November 1, 1984; amended at 9 Ill. Reg. 302,
effective January 1, 1985; amended at 9 Ill. Reg. 6804,
effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective
May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898,
effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective
July 8, 1985; amended at 9 Ill. Reg. 14334, effective September
6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective
October 1, 1985; amended at 9 Ill. Reg. 16889, effective
October 16, 1985; amended at 9 Ill. Reg. 19726, effective
December 9, 1985; amended at 10 Ill. Reg. 229, effective
December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387,
effective April 21, 1986; peremptory amendment at 10 Ill. Reg.

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7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective June 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988, amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.34 Lump Sum Payments and Income Tax Refunds

a) Lump Sum Payments

Lump sum payments received on a one time only basis are exempt as income

b) Earned Income Tax Credits

The Earned Income Tax Credit is exempt as a resource for the month of receipt and the following month.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.16 Amendment
140.17 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 12-13)

5) Complete Description of the Subjects and Issues Involved:

Several changes in the Department's medical payment rules are being proposed to clarify the standards which are being used for the termination and suspension of medical vendors.

Changes being proposed in Section 140.16(a) are intended to indicate that the violations specified in this Section are used as the basis for the termination or non-renewal of provider agreements as well as for the termination of eligibility. Under Sections 140.18 and 140.19, termination of eligibility carries harsher penalties than the termination or non-renewal of the provider agreement. Since each sanction is based on the violations listed in Section 140.16, this proposed change expresses the Department's policy more clearly and reflects the imposition of a less severe sanction.

The proposed change in Section 140.16(a)(6) is also intended to update the rule to reflect current Department policy. This provision has been interpreted to mean that the services for which a provider has billed the Department must be provided by that provider. The proposed changes will make this policy more explicit in the rules.

The proposed changes in Section 140.17 are intended to place a one year time limit on suspensions and to clarify the standards which are utilized when a suspension is imposed. The one year time limit is required by Section 12-4.25(D) of the Illinois Public Aid Code (Ill. Rev. Stat., ch. 23, par. 12-4.25(D)), but has not been included in the rules.

The current wording of Section 140.17(a) unnecessarily limits the availability of suspension. Cases in which the action is based exclusively on the loss of license are evaluated under subsection (a), while cases in which the loss of license is only one of the grounds are evaluated under the more general criteria in subsection (b). The proposed changes eliminate these discrepancies and will require the consideration of suspension under the same general criteria for all cases.

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The Department does not believe that these proposed amendments will have any significant fiscal impact on the persons regulated or affected by these rules.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	May 1, 1992 (16 Ill. Reg. 6936)
140.13	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.14	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.15	Amendment	May 22, 1992 (16 Ill. Reg. 7775)
140.16	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.19	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.27	Amendment	January 3, 1992 (16 Ill. Reg. 65)
140.31	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.32	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.33	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.413	Amendment	April 24, 1992 (16 Ill. Reg. 6719)
140.421	Amendment	May 15, 1992 (16 Ill. Reg. 7576)
140.526	Repeal	January 10, 1992 (16 Ill. Reg. 472)
140.527	Repeal	January 10, 1992 (16 Ill. Reg. 472)
140.528	Repeal	January 10, 1992 (16 Ill. Reg. 472)
140.529	Repeal	January 10, 1992 (16 Ill. Reg. 472)
140.539	Amendment	January 10, 1992 (16 Ill. Reg. 472)
140.543	Amendment	February 28, 1992 (16 Ill. Reg. 3045)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.566	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.579	Amendment	March 6, 1992 (16 Ill. Reg. 3409)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.700	Amendment	May 15, 1992 (16 Ill. Reg. 7576)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on any units of local government.

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11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Ken Mitchell, Chief, Bureau of Rules and Regulations, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 7, 1992
- B) Types of small businesses affected: Physicians, Pharmacists, and other medical vendors who receive payment from the Department.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repeated)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG-MANUAL

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140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22	Magnetic Tape Billings	140.363	Post June 30, 1989 Services (Recodified)
140.23	Payment of Claims	140.364	Prepayment Review (Recodified)
140.24	Payment Procedures	140.365	Base Year Costs (Recodified)
140.25	Overpayment or Underpayment of Claims	140.366	Restructuring Adjustment (Recodified)
140.26	Payment to Factors Prohibited	140.367	Inflation Adjustment (Recodified)
140.27	Assignment of Vendor Payments	140.368	Volume Adjustment (Repealed)
EMERGENCY		140.369	Groupings (Recodified)
140.28	Record Requirements for Medical Providers	140.370	Rate Calculation (Recodified)
140.30	Audits	140.371	Payment (Recodified)
140.35	False Reporting and Other Fraudulent Activities	140.372	Review Procedure (Recodified)
140.40	Prior Approval for Medical Services or Items	140.373	Utilization (Repealed)
140.41	Prior Approval in Cases of Emergency	140.374	Alternatives (Recodified)
140.42	Limitation on Prior Approval	140.375	Exemptions (Recodified)
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained	140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.71	Reimbursement for Medical Services Through the Use of a C-13	140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.72	Invoice Voucher Advance Payment and Expedited Payments	140.391	Definitions (Recodified)
140.73	Drug Manual (Recodified)	140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
	Drug Manual Updates (Recodified)	140.394	(Recodified)
		140.396	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.398	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
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140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund		SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES
140.95	Hospital Services Trust Fund		
140.96	General Requirements (Recodified)	Section	
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140.98	Covered Hospital Services (Recodified)	140.410	Physicians' Services
140.99	Hospital Services Not Covered (Recodified)	140.411	Covered Services By Physicians
140.100	Limitation On Hospital Services (Recodified)	140.412	Services Not Covered By Physicians
140.101	Transplants (Recodified)	140.413	Limitation on Physician Services
140.102	Heart Transplants (Recodified)	140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.103	Liver Transplants (Recodified)		
140.104	Bone Marrow Transplants (Recodified)	140.416	Optometric Services and Materials
140.110	Disproportionate Share Hospital Adjustments (Recodified)	140.417	Limitations on Optometric Services
140.116	Payment for Inpatient Services for GA (Recodified)	140.418	Department of Corrections Laboratory
140.117	Hospital Outpatient and Clinic Services (Recodified)	140.420	Dental Services
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)	140.421	Limitations on Dental Services
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)	140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)		
140.203	Limits on Length of Stay by Diagnosis (Recodified)	140.425	Podiatry Services
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)	140.426	Limitations on Podiatry Services
	Copayments (Recodified)	140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.350	Payment Methodology (Recodified)		
140.360	Non-Participating Hospitals (Recodified)	140.428	Chiropractic Services
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140.462	Covered Services in Clinics (Emergency Expired)
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140.466	Rural Health Clinics
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140.479	Limitations, Medical Supplies
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140.901 Functional Areas of Needs (Recodified)
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140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
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140.907 Midnight Census Report (Recodified)
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140.944	Notification of Negotiations (Recodified)
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140.952	Closing an ICARE Area (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective

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1111. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 120, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 128, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, 77141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 10062, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366,

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effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 1, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG-MANUAL

Section 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate or not renew a vendor's provider agreement, when if it determines that, at any time prior to or subsequent to the effective date of these Rules:

- 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor;
- 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) Violates records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department,
 - i) such records as are required to be maintained by the Department or as are necessary to fully disclose the extent of the services or supplies provided; or

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Section 140.16(a)(3)(A) (continued)

- ii) such records as are required to be maintained by the Department regarding payments claimed for providing services.
- B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which were not rendered or delivered by that vendor;
- 7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse side effects, which outweighed outweigh the medical benefits sought to be provided), or
 - C) of grossly inferior quality.
- 8) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which

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Section 140.16(a)(8) (continued)

is a vendor; or a partner in a partnership which is a vendor, either

- A) was previously terminated from participation in the Medical Assistance Program; or
 - B) was a person with management responsibility for a previously terminated vendor during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program; or
 - C) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a previously terminated corporate vendor during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or
 - D) was an owner of a sole proprietorship or partner of a partnership which was previously terminated during the time of conduct which was the basis for that vendor's termination from participation in the Medical Assistance Program;
- 9) Engaged in Practices Prohibited by Federal or State law or regulation

- A) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, either:

- i) has engaged in practices prohibited by applicable Federal or State law or regulation; or

- ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or

- iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable

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Section 140.16(a)(9)(A)(iii) (continued)

Federal or State law or regulation; or

- iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation.
- B) For purposes of subsection (a)(9) "applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, or other licensing standards as they relate to the vendor's practice or business or any Federal or State laws or regulations related to the Medical Assistance Program.
- C) For purposes of subsection (a)(9) conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in.

- 10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor.

- b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 140.17

Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

- a) The final administrative decision issued in proceedings initiated pursuant to Section 140.16 may result in suspension for a specific time rather than termination if:

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Section 140.17 (continued)

- 1) the Department's action is based exclusively on Section 140.16(a)(2) and
- 2) the formal notification received by the Department from the appropriate licensing, certifying or authorizing agency expressly states that the vendor may be reinstated or obtain the necessary authorization in less than one year.
- b) In addition the final administrative decision issued in proceedings initiated pursuant to Section 140.16 may result in suspension for a specific time rather than termination if:
 - 1) the Department's action is based on any other subsection of Section 140.16; and
 - 2) the basis for the Department's decision was not that the vendor or an individual associated with the vendor was convicted of or pleaded guilty to a felony related to the Medical Assistance Program; and
 - 3) the Department determines that:

In actions based on Section 140.16 in which the Notice states an intent to terminate, the final administrative decision may result in suspension for a specific time, which shall not exceed one year from the time of the final administrative decision, rather than termination, when the Department determines that:

- a) A) the seriousness and or extent of the violations do not warrant warrants-suspension-and-do-not-warrant termination; and
- b) B) the vendor had no prior history of violations of the Medical Assistance Program; and
- c) C) the lesser sanction of suspension will be sufficient to remedy the problem created by the vendor's violations.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Long-Term Care Assistants and Aides Training Programs Code

2) Code Citation:

77 Ill. Adm. Code 395

3) Section Numbers:

	<u>Proposed Action:</u>
Section 395.100	Amendment
Section 395.110	Amendment
Section 395.120	Amendment
Section 395.130	Amendment
Section 395.140	Amendment
Section 395.150	Amendment
Section 395.160	Amendment
Section 395.170	Amendment
Section 395.180	Amendment
Section 395.190	Repealer
Section 395.200	Amendment
Section 395.300	Amendment
Section 395.400	Amendment

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 395 set forth requirements for training programs for long-term care assistants and aides. The Department is amending the rules to reflect changes in federal regulations and to implement changes in the Department's operation of the program.

Section 395.100 - Statutory citations are being updated to reference the 1989 Illinois Revised Statutes and the 1990 Supplement.

Section 395.110 - Application procedures for initial program approval are being amended to delete the requirements for a separate application for each program site. The length of time provided for application review is being increased from sixty to ninety days prior to the scheduled beginning of the training program. Requirements for the master schedule for the training program are amended to include daily hours of theory and clinical instruction and identification of the approved evaluator. Approved evaluators will be instructors who are trained by the Department to evaluate manual skills. A reference to federal requirements at

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42 CFR 483.151 is being added. The federal regulation states that a state may not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility that, in the previous two years, has been assessed a civil penalty of not less than \$5000 or has operated under waivers of the Social Security Act specified in subsections 483.151(b)(2)(i-v).

Section 395.130 - Renewal of program approval is being changed from annually to at least every other year. This change will ease the program review process for Department staff and will correspond to the time period in federal regulations.

Section 395.140 - The reference to a "program approval year" is being changed to a "program approval period" to correspond to the change in the program review process in Section 395.130.

Section 395.150 - In accordance with federal requirements, five content areas are being added in which 16 hours of training must be conducted prior to any direct contact with a resident.

Section 395.160 – Requirements for instructors in a basic nursing assistant program or a basic child care/habilitation aide training program are being changed to require two years' nursing experience and to require one year, rather than two years, of experience in the areas listed in subsections (a)(1)(A) and (B). These changes will correspond to federal regulations at 42 CFR 483.152. Experience in care for the elderly or chronically ill in a hospice or swing bed unit of a hospital has been added to broaden the types of nursing experience that will fulfill the experience requirements. This Section is also being modified to reflect that the Train the Trainer program will no longer be conducted by the Department. The Department is in the process of revising the program to reflect these changes.

The experience required providing services for patients with Alzheimer's disease has been decreased from two years to one year. Provisions for supplemental instructors have been added in accordance with federal regulations at 42 CFR 483.152.

Section 395.170 - The rules is being amended to require that an approved evaluator conduct the manual skills competency evaluation. In addition, approved evaluators employed by a facility may not evaluate students trained by the facility program. Program sponsors will be required to submit within 30 days of program completion a list of trainees who demonstrate competency in the theory and skills taught. Certificates will no longer be required to be submitted to the Department.

Section 395.180 - Department monitoring activities will no longer include an on-site visit during the first year of operation of a training program. Visits will be conducted prior to approval or renewal or at least every two years. Failure to comply with the requirements of 42 CFR 483.151(b)(2)(i-iv) will result in action to suspend or revoke program approval.

Section 395.190 - References to federal requirements at 42 CFR 483.151(b)(2)(i-v) are being added.

Section 395.200 - Section 395.200 is being repealed. Rules governing the individualized course of instruction, which prepares a nurse aide to take the proficiency examination, are optional under Section 3-206 of the Nursing Home Care Act.

Section 395.300 - The curriculum requirements for the basic nursing assistant training program are being amended to add a unit of instruction in the Heimlich maneuver.

Section 395.400 - The Department is amending Section 395.400 to streamline procedures for the proficiency examination authorized by Section 3-206 of the Nursing Home Care Act, which states that any person who is or will be employed as a nurses aide, orderly or nurse technician in a facility may elect to take a proficiency examination. Since the Department only receives about 50 requests per year for proficiency testing, the Department will no longer administer a proficiency test but will use the same test used for competency testing of aides who have taken the training course. The written portion of the test is administered by Southern Illinois University at community colleges throughout the State. The University provides information on when and where tests are administered. The manual skills portion of the test will be administered by the Department at a time mutually convenient to the applicant and the Department. The time period within which the proficiency examination must be taken is being changed to correspond to the repeal of the provisions governing an individualized course of instruction in Section 395.200. Under Section 3-206 of the Act, a person must begin a training course within 45 days of initial employment. Persons who successfully complete the proficiency test are not required to take the course.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?
Yes No X
- 7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X
If "yes," please specify date:
- 8) Does this Rulemaking Contain Any Incorporations by Reference? Yes X No
If "yes," please specify type: 6.02(a) X or 6.02(b)

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9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will affect community colleges that conduct training programs, but will not necessitate any additional expenditures.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care facilities and private business and vocational schools

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Application for program approval and renewal

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 395

LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section	
395.100	Program Sponsor
395.110	Application for Initial Program Approval
395.120	Application Review Process
395.130	Annual Renewal of Program Approval
395.140	Inactive Status
395.150	Timeframe Requirements
395.160	Instructor Requirements
395.170	Program Operation Requirements
395.180	Department Monitoring
395.190	Denial, Suspension, and Revocation of Program Approval
395.200	Other Programs Conducted by Facilities (Repealed)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

395.300	Basic Nursing Assistant Training Program
395.310	Developmental Disabilities Aide Training Program
395.320	Basic Child Care/Habilitation Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

395.400	Proficiency Examination
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 19879L ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 12, 1988, and P.A. 85-1278, effective September 1, 1988).

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 16 Ill. Reg. _____, effective _____.

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.100	Program Sponsor
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Training program sponsors may be any one of the following:

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- A community college or other public school operated by the state of Illinois or unit of local government.
- A private vocational or business school as defined in the Private Business and Vocational Schools Act (Ill. Rev. Stat. 19879L ch. 144, par. 136 et seq.), which holds a valid certificate of approval issued by the State Board of Education under rules entitled "Private Business and Vocational Schools" (23 Ill. Adm. Code 451).
- A facility licensed by the Department of Public Health (Department) under the Nursing Home Care Act (Ill. Rev. Stat. 19879L ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 12, 1988, and P.A. 85-1378, effective September 1, 1988) or under the Hospital Licensing Act (Ill. Rev. Stat. 19879L ch. 111 1/2, par. 142 et seq.).

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 395.110

Application for Initial Program Approval

- The program sponsor shall submit an ~~separate~~ application for initial program approval for each training program ~~and for each program site~~.
- The program sponsor shall submit an application for initial program approval to the ~~Department of Public Health~~ (Department) at least ~~ninety~~ sixty days in advance of the scheduled beginning of the training program. The program sponsor shall not offer the training program prior to receipt of written approval ~~of the program~~ from the Department. The Department will not grant retroactive approval of training programs.
- The application for program approval shall include at least the following information about the proposed program:

- 1) A statement of whether the training program being proposed is a:

- A) Basic Nursing Assistant Training Program,
- B) Developmental Disabilities Aide Training Program, or
- C) Basic Child Care/Habilitation Aide Training Program.

- 2) A description of the program sponsor. If the program sponsor is a private business or vocational school, a copy of the sponsor's certificate of approval issued by the State Board of Education shall be included.
- 3) A statement of the program rationale, including the philosophy and purpose of the program.

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- 4) An outline containing the methodology, content, and objectives for the training program.
- A) The outline shall indicate the number of hours that will be dedicated to each component of the training program. This outline shall not preclude the instructor from varying the order of presentation of the outlined course components.
- B) The outline shall address each of the required curricula content requirements contained in Section 395.300 (Basic Nursing Assistant Training Program), Section 395.310 (Developmental Disabilities Aides Training Program), or Section 395.320 (Basic Child Care/Habilitation Aide Training Program).
- 5) A master schedule or calendar for the training program, which shall include at least the following:
- A) The location, classroom designation, and scheduled dates of the training program.
- B) The allocation of the daily and total hours of instruction between theory and clinical instruction.
- C) Identification of theory and clinical ~~practitioner-instructor(s)~~ practitioner-instructor(s) and approved evaluator ~~content determined by hour~~, and whether the instruction for ~~each hour~~ is theoretical or clinical.
- 6) Resumes describing the education, experience, and qualifications of each program instructor.
- 7) Any clinical site agreements for the use of facilities and equipment which ~~is~~ are not owned or operated by the program sponsor. Such agreements shall be signed by the owner or operator of the facilities or equipment and shall include the dates such facilities or equipment will be used, and a description of the classrooms, laboratory, clinical training equipment, and any other facilities or equipment which will be used in the program.
- 8) A copy of the evaluation tools that will be used to evaluate the following aspects of the training program:
- A) Training program objectives and methodology.
- B) Training program content (final program exam).

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- C) Clinical performance, if in addition to the State-approved manual skills evaluation developed from the curriculum outlined in Section 395.300.

- D) Training program instructors.

- d) The program sponsor shall submit the application for initial approval of a training program to the Department at the following address:

Illinois Department of Public Health
Office of Health Care Regulation
Education and Training Section
525 West Jefferson Street
Springfield, Illinois 62761

- e) No changes will be required in the program content of any training program, which was approved under rules in effect at the time of the adoption of amended rules, until a review by the Department indicates that revisions to the program content are needed to keep the program in compliance with the amended rules.

(Source: Amended at 16 Ill. Reg. _____ effective _____)

Section 395.120 Application Review Process

- a) Each application for initial program approval will be reviewed by the Department. Comments and recommendations from the Department of Mental Health and Developmental Disabilities regarding applications for approval of Developmental Disabilities Aide Training Programs will be considered by the Department.
- b) The Department will evaluate the application and proposed program for conformance to the program requirements contained in this Part. Based on this review, the Department will take one of the following actions regarding the application:
- 1) Grant approval of the proposed program.
 - 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content which can be corrected by submitting a revised schedule or outline.
 - 3) Deny approval of the proposed program based on any major deficiencies in the application or proposed program, which would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing

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areas of content.

- c) When the Department finds that an application or proposed program fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i-v)(56 FR 48918, September 26, 1991, no further editions or amendments included), the Department will notify the sponsor in writing of the nature of the deficiencies, and will request additional materials, or revisions, needed to remedy deficiencies in the application or proposed program.
- d) When the Department finds that an application and proposed program, along with any additional materials and revisions which have been submitted, complies with the program requirements contained in this Part, the Department will issue a written notice of program approval to the program sponsor.
- e) The Department will issue an identification number to each approved training program. The sponsor shall reference that number in any correspondence to the Department about the program.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.130

~~Annual~~ Renewal of Program Approval

- a) ~~Each year the~~ The Department will review each approved training program for renewal of the program approval at least every other year.

- b) The program renewal review shall include consideration of each of the following:

- 1) The master schedule for the program as outlined in Section 395.110(c)(5);
- 2) Any clinical site agreements as outlined in Section 395.110(c)(7);
- 3) Any other information required in Section 395.110(c) which has changed since the Department granted initial program approval or since the previous renewal of the program approval;
- 4) Compliance with 42 CFR 483.151(b)(2)(i-v);
- 5) On-site monitor visit report.
- c) The Department of Mental Health and Developmental Disabilities will review applications for program renewal and will recommend to the Department continued approval or disapproval of Developmental Disabilities Aide Training Programs.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 395.140 Inactive Status

- a) The Department shall place an approved program on inactive status upon receipt of a written request from the program sponsor for such action. Absence of program activity during the program approval period ~~year~~ shall also result in placement of a program on inactive status.
- b) To return an approved program to active status, the sponsor of the program shall submit a written request to the Department.
 - 1) The request for return to active status shall include the master schedule for the program and each of the other items required for a request for program renewal under Section 395.130(b).
 - 2) The request for return to active status must be submitted no less than 60 days prior to the scheduled beginning of the program.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.150

Timeframe Requirements

- a) Timeframe Requirements for Basic Nursing Assistant Training Programs

- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.
- 2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
- 3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the minimum required 120 hours of instruction.
- 4) A minimum of 12 hours of instruction related to Alzheimer's disease and related dementias, as described in Section 395.300(r) through (z), shall be included in each program, excluding breaks, lunch, and any orientation to the specific policies of the employing facility.
- 5) A minimum of 16 hours of training in the following areas must be conducted prior to any direct contact with a resident (42 CFR 483.152(a)(3 - 6)):

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- i) Communication and interpersonal skills;
 - ii) Infection Control;
 - iii) Safety/emergency procedures, including the Heimlich maneuver;
 - iv) Promoting residents' independence; and
 - v) Promoting residents' rights.
- b) Timeframe Requirements for Developmental Disabilities Aide Training Programs and Basic Child Care/Habilitation Aide Training Programs
- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.
 - 2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
 - 3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the minimum required 120 hours of instruction.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.160

Instructor Requirements

- a) Requirements for Instructors in a Basic Nursing Assistant Program or a Basic Child Care/Habilitation Aide Training Program
 - 1) Each course instructor shall be a registered nurse with a minimum of two years nursing experience and a current Illinois license, who has no other duties while engaged in the training program. After January 1, 1990, instructors shall be required to have one two years of experience as a registered nurse in one or both of the following areas:
 - A) Teaching an accredited nurse training program approved Basic Nursing Assistant Program or Basic Child Care/Habilitation Aide Training Program between July 1, 1985, and January 1, 1990.
 - B) Caring for the elderly or for the chronically ill of any age through

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employment in a nursing facility, extended care unit, geriatrics department, chronic care unit, hospice, swing bed unit of a hospital, or other long-term care setting.

- 2) Each course instructor shall also possess at least one of the following qualifications:
 - A) A valid Illinois teaching certificate (not a provisional certificate).
 - B) A Train-the-Trainer Certificate indicating issued by the Department as proof of completion of a Department approved Train the Trainer Workshop/Program.
 - C) Evidence of at least one semester of formal teaching experience.
 - D) College coursework during the previous six years which includes at least one course in teaching/learning principles, curriculum development, teaching methods, or instructional techniques.
- b) Requirements for Instructors of the Alzheimer's Disease and Related Dementias Portions of a Basic Nursing Assistant Program
 - 1) Each instructor shall be a registered nurse with a current Illinois license, who has no other duties while engaged in the training program.
 - 2) Each instructor shall also possess at least one of the following qualifications:
 - A) At least one-two years of experience providing services for patients with Alzheimer's disease and related dementias and at least one semester of formal teaching experience.
 - B) Documentation of completion of a specialized workshop, course, seminar or other training for instruction in Alzheimer's disease and related dementias (see Section 395.300(r) through (z)).
- c) Requirements for Instructors in a Developmental Disabilities Aide Training Program
 - 1) The curriculum coordinator must be a qualified mental retardation professional as defined at 77 Ill. Adm. Code 350.330.
 - 2) Each program instructor shall meet at least one of the following:
 - A) Verification of successful completion of a train the trainer workshop approved by the Department of Mental Health and Developmental

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Disabilities;

- B) A Qualified Mental Retardation Professional approved as a trainer by the Department of Mental Health and Developmental Disabilities;
- C) At least one year of experience with developmental disabilities programs and approved by the Department of Mental Health and Developmental Disabilities;
- D) Have a valid Illinois teaching certificate;
- E) Be a community college or college instructor with at least one year of teaching experience;
- F) College coursework during the previous six years which includes teaching/learning principles, curriculum development, teaching methods, and instructional techniques.

- G) Supplemental Instructors (Special Content Instructor) in a Basic Nursing Assistant Program must have at least one year experience in their fields of expertise. These would include, but not be limited to, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. (42 CFR 483.152(a)(5)(vi))

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.170 Program Operation Requirements

- a) Ten working days prior to the start of the actual training program, an updated master schedule shall be submitted to the Department.
- b) Any change in program content, objectives, or instructors shall be submitted to the Department at least thirty days prior to program delivery.
- c) The program shall require each student to show competency of Department approved manual basic skills by hands-on return demonstration, as well as the successful completion of a written examination encompassing theory and skills taught. The manual skills competency evaluation shall be conducted by an approved evaluator. Approved evaluators employed by a facility may not evaluate students trained by the facility program.
- d) The program sponsor shall submit, within 30 days of program completion, a list of all

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trainees certificate for each trainee who demonstrate proves competency in the theory and skills taught in the program. The list certificate for each successful trainee shall include the following information:

- 1) Name, complete home address and Social Security number of the trainee;
- 2) Identification number of the training program;
- 3) A statement that the individual has completed the Basic Nursing Assistant Training Program and documented completion of the state approved manual skills competency evaluation, or a Developmental Disabilities Aide Training Program, or Basic Child Care/Habilitation Aide Training Program;
- 4) Program completion date;
- 5) Signature of the program instructor and approved evaluator, when appropriate. (Any additional signatures are optional.)

- e) In addition to certificates, the sponsor shall submit to the Department a composite list displaying the following information regarding each trainee:

- 1) Name, home address, and Social Security number.
- 2) Program approval number and program completion date.

- f) The Department will return the certificates to the sponsoring organization for distribution to the trainees.

- g) Successful completion of a training program does not imply "certification" of the nursing assistant by the State. Successful completion of a training program only indicates that the person has completed the training program and can be employed by licensed long-term care facilities.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.180 Department Monitoring

- a) The Department will monitor the operation of approved training programs through on-site visits and other monitoring activities, such as written inquiries, reviews of success rates on competency examinations, and questionnaires. The Department will conduct an on-site visit during the first year of the operation of each newly approved training program. The Department will conduct on-site visits prior to approval or renewal, or at least every two years for all training programs. The proportion of the training program's students who successfully complete the competency evaluation will

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be considered by the Department in determining the need for on-site visits and other monitoring activities.

- b) When the Department determines that the program fails to comply with any of the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i - v), the Department will initiate action to suspend or revoke the program approval in accordance with Section 395.190.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.190 Denial, Suspension, and Revocation of Program Approval

- a) When the Department finds that an application or proposed program, along with any additional information and revisions which are submitted, fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i - v), the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial and the right of the sponsor to appeal the denial and to a hearing before the Department.
- b) When the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i - v), the Department will notify the sponsor in writing of the finding of non-compliance of the program and the reasons for the finding.
- c) When the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (b) of this Section have not been corrected within thirty days after the date of issuance of such notice, the Department will revoke or suspend its approval of the program.

- 1) The Department shall suspend approval when the program fails to substantially comply with the approved program plan during the operation of the program. Substantial failure to comply with the approved program plan includes program instruction being conducted contrary to the master schedule, contrary to the approved content, by an individual other than the approved instructor, or at a location other than the approved site or sites.

- 2) The Department will revoke approval when an approved program fails to comply with the program requirements of this Part or 42 CFR 483.151(b)(2)(i - v).

- 3) When the approval of a program has been suspended or revoked for reasons other than 42 CFR 483.151(b)(2)(i - v), the program sponsor shall have a right to appeal the suspension or revocation and to a hearing before the Department.

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- d) When the approval of a program has been denied, suspended, or revoked, for reasons other than 42 CFR 483.151(b)(2)(i - v), the program sponsor may submit a written appeal of the action and request for a hearing within ten days after notification of the decision to deny, revoke or suspend approval.

- e) All hearings under this Part shall be conducted in accordance with the Department's "Rules of Practice and Procedures in Administrative Hearings" (77 Ill. Adm. Code 100).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 395.200 Other Programs Conducted by Facilities (Repealed)

- a) ~~Any licensed long-term care facility may conduct a training program for nursing assistants which can be individualized for each employee. Such training programs may be taught by any person or persons in the facility.~~
- b) ~~Any licensed long-term care facility which conducts a training program for nursing assistants shall notify the Department in writing. The notice to the Department must describe the content of the training program, designate the training instructor, and indicate when the training will be conducted.~~
- e) ~~Any nursing assistant who attends a training program conducted by a facility must successfully pass the Department's proficiency examination before being permitted to function as a nursing assistant.~~

(Repealed at 16 Ill. Reg. _____, effective _____)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section 395.300 Basic Nursing Assistant Training Program

The Basic Nursing Assistant Training Program shall include, at a minimum, the following:

- a) Module I -- Introduction to Health Care Systems
- 1) Functions of health care facilities. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) differentiate between the hospital, long term care facility, and home health aide programs as to their basic purposes and what each expects of the nursing assistant;
- B) define the functions of the nursing assistant and be aware of the ethical

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implications and the legal limitations;ⁱ and

- C) develop a beginning understanding and appreciation of the responsibility of the nursing assistant as a member of the health care team.
- 2) Home Health Agencies and the health care professions. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the purpose and organization of a home health agency;ⁱ
 - B) identify the members of the home health care team and their respective tasks;ⁱ and
 - C) apply learned basic nursing procedures to the home setting making appropriate modifications.
- 3) Philosophy of patient care. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) understand the uniqueness and reward of caring for the geriatric patient;ⁱ
 - B) demonstrate an awareness of the ethics involved in the position;ⁱ and
 - C) develop an understanding of the patient-family relationship.
- 4) The role of the multidisciplinary health care team. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) define the role of the nursing assistant in the long-term care facility;ⁱ
 - B) identify and discuss roles of the multidisciplinary team and the integration of services for the total care of the patient;ⁱ and
 - C) identify the "chain of command" in the organizational structure of a long-term care facility.
- 5) Personal qualities of the nursing assistant. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:
 - A) meet standards of appearance and general behavior;ⁱ

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- B) be aware of the importance of punctuality and confidentiality;ⁱ and
- C) demonstrate an awareness of the empathy and compassion, particularly to the elderly.
- 6) Duties of the nurse assistant. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an understanding of nursing assistant duties;ⁱ
 - B) develop an understanding of the why's of patient care, such as infection control, safety, and residents' rights;ⁱ and
 - C) define the functions of the nursing assistant and be aware of legal implications.
- 7) Medical terminology. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:
 - A) develop an awareness of the very basic abbreviations and symbols utilized in medical terminology;ⁱ and
 - B) meet the written standards for charting on the medical record.
- 8) Recording. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) demonstrate an awareness of the principles of accurate observation and recording;ⁱ and
 - B) discuss the various forms utilized in the medical record system.
- b) Module II -- Introduction to the patient.
 - 1) Resident Rights. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) provide privacy and maintenance of confidentiality;ⁱ
 - B) assist residents to make personal choices to accommodate their individual needs;ⁱ and
 - C) maintain reasonable care of the personal possessions of residents.

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- 2) Communication and interpersonal relationships with patients, families and others. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) develop an awareness of appropriate communication between staff/patients, staff/families, families/patient, staff/staff;
 - B) develop communication techniques; and
 - C) demonstrate the ability to understand verbal and nonverbal communication.
- 3) Psychological needs of patient and family. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) develop an awareness of sensitivity to the patient's need for feelings of self-worth;
 - B) demonstrate the ability to listen; and
 - C) understand the necessity to develop and maintain harmony between patient and family.
- 4) Normal growth and development. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) list and describe various priorities of needs of residents;
 - B) describe the continuum of life cycle; and
 - C) develop an awareness of normalcy and deviations.
- c) Module III -- Your working environment.
- 1) Cleanliness in the health care setting and patient homes. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) define the principles of medical asepsis;
 - B) demonstrate an awareness of the importance of cleanliness in health care institutions; and
 - C) demonstrate the ability to modify medical asepsis technique for the

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- home setting.
- 2) Principles of handwashing. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) discuss the need for handwashing before and after each task and before and after direct patient contact;
 - B) demonstrate that an understanding of good handwashing technique will prevent the spread of disease; and
 - C) demonstrate the ability to wash hands using the learned technique.
- 3) Principles of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) List the methods of disinfection;
 - B) demonstrate an awareness of handling disinfected articles; and
 - C) differentiate between "clean" and "dirty."
- 4) Principles of sterilization. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) explain the relationship between microorganisms and infection control;
 - B) list the conditions necessary for microorganism growth; and
 - C) develop an awareness of the process of killing all bacteria.
- 5) Techniques of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) discuss the various methods of disinfecting;
 - B) develop an awareness of relevant time necessary for disinfection; and
 - C) list articles that can be safely disinfected.
- 6) Maintaining equipment and supplies. Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) develop an understanding of the proper usage of equipment used in the

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personal/nursing care of residents;

- B) demonstrate proper usage, cleaning and storing of equipment; and
- C) develop an awareness of the reporting system relevant to proper maintenance of equipment.

d) Module IV -- Safety.

- 1) Body mechanics. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) discuss techniques of proper body mechanics;
- B) demonstrate good body mechanics for the benefit of the patient and nursing assistant; and
- C) relate use of body mechanics to basic musculo-skeletal anatomy.

- 2) Fire safety. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify potential fire hazards;
- B) identify and apply facility's procedures for safety, fire and disaster; and
- C) state his/her role in facility's fire and disaster plan.

- 3) Disaster. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify designated supervisory personnel in the event of disaster;
- B) develop an understanding of the disaster manual; and
- C) state his/her role in facility's safety, fire and disaster plan.

- 4) Heimlich maneuver. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) list signs of choking; and
- B) demonstrate the Heimlich maneuver.

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- e) Module V -- The patient's unit. Bedmaking procedures (unoccupied and occupied). Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) identify the patient's need for a clean and comfortable environment;

- 2) identify the purpose of and procedure for making the unoccupied and occupied bed; and

- 3) demonstrate proper bedmaking procedure.

f) Module VI -- Lifting, moving and transporting patients.

- 1) In bed. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) describe briefly the musculo-skeletal system;
- B) realize needs for motion in joints and muscle activity; and
- C) maintain correct body alignment.

- 2) Ambulatory. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) safely ambulate patients;
- B) demonstrate proper body mechanics; and
- C) develop an awareness of the physical ability of each patient.

- 3) Wheelchair. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) apply safety principles involved in transporting patient in wheelchair;
- B) demonstrate proper body mechanics; and
- C) provide for privacy when transferring the patient from bed to wheelchair.

- 4) Stretcher. Objectives: Upon completion of this unit of instruction, the student will be able to:

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- A) identify and apply rules for safety for patient transfer;
B) demonstrate good body mechanics; and
C) provide for privacy when transferring the patient from bed to stretcher.

g) Module VII -- Basic Anatomy.

- 1) Contents:
A) Anatomy of the Skeletal System;
B) Anatomy of the Circulatory System;
C) Anatomy of the Digestive System;
D) Anatomy of the Respiratory System;
E) Anatomy of the Urinary System;
F) Anatomy of the Muscular System; and
G) Functioning of the human body as related to the disease process.

- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an understanding of human anatomy and its relationship to normal function;
B) identify and discuss simple disease processes; and
C) explain how body systems work together.

h) Module VIII -- Personal care of the patient.

- 1) Contents:
A) Oral hygiene;
B) Bathing procedures;
C) Care of the back, feet and skin; and

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- D) Observing and reporting.
2) Objectives: Upon completion of this unit of instruction, the student will be able to:
A) identify basic human needs (physical, emotional, social and religious) of the patient;
B) demonstrate the ability to recognize basic human needs in patient behavior;
C) demonstrate proper medical asepsis technique;
D) demonstrate methods to detect incipient or manifest decubitus ulcers;
E) demonstrate measures to prevent decubitus ulcers, such as proper positioning and turning;
F) identify the patient's need for a clean environment; and
G) observe and report care given.

i) Module IX -- Nutrition.

- 1) Diets and therapeutic diets. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) describe briefly the use of basic nutrients and fluids by the body;
B) list the basic four groups and name daily requirements of each; and
C) identify modified diets and understand the reasons for modification.

- 2) Feeding techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) describe briefly the anatomy of digestion;
B) develop an awareness of the patient's eating limitations; and
C) serve and assist patient with feeding.

- 3) Nourishments. Objectives: Upon completion of this unit of instruction, the student will be able to:

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- A) develop an understanding of intermittent nourishments and dietary supplements;_i
 - B) demonstrate the ability to properly distribute nourishments;_i and
 - C) accurately report and record diet and fluid intake.
- j) Module X -- Fluid balance.
- 1) Measuring fluid intake and output. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of elimination;_i
 - B) demonstrate the ability to measure intake and output;_i and
 - C) accurately report and record intake and output.
 - 2) Forcing and restricting fluids. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) identify problems associated with bowel and bladder management;_i
 - B) develop an understanding of fluid balance in the body;_i and
 - C) accurately report and record patient's fluid intake.
 - 3) Specimen collection. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy related to body discharge and elimination;_i
 - B) demonstrate how to collect stool, urine, and other specimens;_i and
 - C) accurately report and record urinary, fecal, and other output.
- k) Module XI -- Observing and recording vital signs.
- 1) Contents:
 - A) Taking the temperature;_i
 - B) Taking pulse;_i

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- C) Taking respirations;_i
 - D) Taking blood pressure;_i
 - E) Recording vital signs;_i and
 - F) Measuring height and weight.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) state the meaning and importance of temperature, pulse, respirations, and blood pressure;_i
 - B) demonstrate how to properly measure temperature, pulse, respirations, and blood pressure;_i
 - C) accurately report and record temperature, pulse, respirations, and blood pressure;_i and
 - D) demonstrate how to accurately measure and record height and weight.
- l) Module XII -- Supportive care.
- 1) Heat applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe the various methods of heat application;_i
 - B) demonstrate the use of safety measures involved in applying hot applications;_i and
 - C) report and record treatment given.
 - 2) Cold applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe the various methods of cold application;_i
 - B) demonstrate the use and safety measures involved in applying cold applications;_i and
 - C) report and record treatment given.

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- 3) Enemas. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of elimination;
 - B) demonstrate how to administer an enema; and
 - C) accurately report and record the procedures and results.
- 4) The vaginal douche - external and internal. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of the reproductive system;
 - B) demonstrate the procedure of administering an external and internal douche; and
 - C) accurately report and record the procedure.
- 5) Catheters and tubing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop a basic understanding of the use of catheters and tubing;
 - B) discuss the use of specific catheters and tubing; and
 - C) develop an understanding of the maintenance and storage of catheters and tubing.
- m) Module XIII -- Fundamentals of Rehabilitation Nursing.
 - 1) Philosophy of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the intrinsic worth of affected persons;
 - B) develop a beginning understanding of the fundamentals of rehabilitation; and
 - C) identify methods of treating the whole patient for restoration of function.
 - 2) Principles of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:

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- A) demonstrate an understanding of the concepts of rehabilitation nursing;
- B) identify the four cardinal principles of rehabilitation nursing; and
- C) develop an awareness of the treatment process of rehabilitation as well as the legal implications.
- 3) Concepts of activities of daily living. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe and discuss the use of adaptive tools for the disabled person;
 - B) develop an awareness of sensitivity to the patient's need for feelings of self-esteem; and
 - C) motivate the patient to work toward independence and self-care.
- n) Module XIV -- Patient care planning.
 - 1) Contents:
 - A) Patient admission;
 - B) Patient transfer; and
 - C) Patient discharge.
 - 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) be aware of the emotional implications of admission, transfer, and discharge;
 - B) demonstrate the procedures for admission, transfer, and discharge; and
 - C) observe, report, and record accurately.
- o) Module XV -- The patient in isolation.
 - 1) Isolation techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss communicable diseases and the nature of isolation techniques;

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- B) differentiate between "clean" and "dirty"; and
- C) discuss the difference between regular and reverse isolation procedures.
- 2) Physiological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
- demonstrate isolation precautions and procedures;
 - demonstrate isolation procedures including handwashing, masking, gowning, food and elimination precautions; and
 - accurately report and record isolation procedures.
- 3) Psychological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
- be aware and empathetic to the patient's fear and loneliness;
 - identify untoward behavior of the isolated patient; and
 - accurately observe and record patient's emotional reaction to the isolation process.
- 4) Isolation in the home. Objectives: Upon completion of this unit of instruction, the student will be able to:
- apply learned isolation techniques making necessary modifications for home care;
 - communicate effectively with the patient and family relevant to the isolation process; and
 - accurately observe, report, and record the isolation techniques.
- p) Module XVI -- Care of the terminally ill patient.
- 1) Contents:
 - Psychological needs of the patient; and
 - Psychological needs of the family.
 - 2) Objectives: Upon completion of this unit of instruction, the student will be

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able to:

- identify and describe the rights of the dying patient and his/her family;
 - discuss attitudes and feelings about death and dying;
 - describe the physical and psychological changes in the patient as death approaches; and
 - discuss the grieving process of the patient and family.
- q) Module XVII -- Care of the body (postmortem care). Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) develop an awareness for respect for the body after death occurs;
 - 2) develop an understanding for good body alignment after death; and
 - 3) demonstrate nursing care after death.
- r) Module XVIII -- Aging and Dementia. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify the differences between the normal aging process and cognitive dysfunction disease processes;
 - 2) Define dementia and pseudo-dementia;
 - A) Reversible; and
 - B) Non-reversible.
 - 3) List the common terminology used to describe different types of dementia;
 - A) Alzheimer's Disease (AD);
 - B) Senile Dementia of the Alzheimer's Type (SDAT);
 - C) Multi Infarct Dementia (MID);
 - D) Organic Brain Syndrome (OBS).
 - 4) Discuss how dementias are currently diagnosed.

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s) Module XIX -- Alzheimer's Disease (AD) and Related Disorders (RD). Objectives: Upon completion of this unit of instruction, the student will be able to:

1) Identify the potential health, social and economic impacts of AD and RD;

- A) Society;
- B) Family; and
- C) Individual.

2) List the primary signs, symptoms and associated features of AD and RD.

3) Discuss memory loss, sensory impairments, perceptual dysfunction, and cognitive and physical changes normally associated with AD and RD.

t) Module XX -- Communications. Objectives: Upon completion of this unit of instruction, the student will be able to:

1) Identify the elements of verbal/nonverbal communication between staff/resident;

2) Discuss the expected language and communication changes in AD and RD residents;

3) Identify effective techniques for enhancing communications; and

4) Discuss the importance of touch and companionship to the AD and RD resident.

u) Module XXI -- Care and Treatment Modalities. Objectives: Upon completion of this unit of instruction, the student will be able to:

1) Discuss the inter-disciplinary nature of treatment in the care of AD and RD residents;

2) Identify the importance of observation and ways to monitor the behavior and safety of the AD and RD resident;

3) Identify the importance of: consistency in approach; focusing on ability; task breakdown techniques; cueing and distraction techniques;

4) Discuss the difference in approaching activities of daily living (ADL), such as dressing, bathing, grooming, oral hygiene, bowel, bladder, and skin care;

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5) List the physical changes and their effects on the AD resident.

v) Module XXII -- Behavior Issues and Management Techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:

1) Discuss the common mood and behavioral disturbances of residents with a progressive dementing disorder;

- A) Agitation;
- B) Anxiety;
- C) Catastrophic Reactions;
- D) Clinging;
- E) Combativeness;
- F) Delusions/hallucinations;
- G) Inappropriate sexual behaviors;
- H) Rummaging/hoarding;
- I) Sleep disturbance;
- J) Sundowning (increasing intensity of symptoms during evening hours);
- K) Suspiciousness; and
- L) Wandering/pacing.

2) Identify specific techniques or approaches used to support residents ability:-

- A) Behavior;
- B) Cause;
- C) Staff intervention/response; and
- D) Environment.

w) Module XXIII -- Activities. Objectives: Upon completion of this unit of instruction,

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the student will be able to:

- 1) Identify appropriate activities based on the individual's mood and behavioral needs;

- A) Individual;
- B) Small group; and
- C) Large group.

- 2) Discuss the importance, significance and types of familiar tasks to support normalization.

- x) Module XXIV -- Nutrition and Dietary Factors. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Identify cognitive and physiological changes of AD and RD residents that affect nutrition and feeding patterns;
- 2) Discuss potential feeding problems, complications, and eating behaviors; and
- 3) List approaches for maintaining good nutrition and enhancing mealtime.

- y) Module XXV -- Family Role and Community Resources. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Define family, significant other, and the sandwich generation (individuals caring for both their children and their elderly parents);
- 2) Identify role changes and role reversal;
- 3) Discuss the extent of family caregiving prior to Nursing Home placement;
- 4) Discuss the impact of chronic stress on family systems;
- 5) Discuss the impact of caring for the AD and RD family member or resident on the primary caregiver;
- 6) Identify interventions appropriate for assisting family caregivers to cope with their stress;
- 7) Identify the different community resources available and their role in the care and treatment of AD and RD residents both inside and outside the facility

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setting; and

- 8) Discuss how local chapters of the Alzheimer's Disease and Related Disorders Association (ADRDA) can assist the resident, the family caregiver and the facility.

- z) Module XXVI -- Staff Support. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Identify stress factors involved in caring for persons with irreversible cognitive decline;
- 2) Identify coping mechanisms used by the individual resident to compensate for irreversible cognitive decline; and
- 3) Identify coping mechanisms that are used during the death, dying and bereavement process by the family and facility staff.

- aa) Module XXVII -- Cardiopulmonary Resuscitation. Objective: Upon completion of this unit of instruction, the student will be able to initiate basic cardiopulmonary resuscitation. After the training, certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program may be offered as an option for this unit, but such certification is not a pre-requisite for the student's satisfactory completion of this unit of instruction.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART C: PROFICIENCY EXAMINATION

Section 395.400 Proficiency Examination

- a) ~~Any person who has been employed as an assistant or aide for less than 45 days in a facility, or who will be employed as an assistant or aide in a facility, may take a proficiency examination in lieu of completion of an approved training program.~~
- b) ~~Proficiency examinations will be offered at a location determined by the Department. The Department will establish and announce the dates and times for the examination.~~
- e) ~~Proficiency examination registrations must be made on behalf of an individual by a facility administrator. Individuals wishing to take the examination shall request the facility administrator to contact the Department to register the individual for the proficiency examination. The Department will notify the facility of the date and location of the individual's scheduled proficiency examination and will send the~~

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individual's registration application form to the facility:

- d) The examinee shall report to the testing site by the time scheduled for the start of the proficiency examination. No examinee will be admitted to the testing room after the time scheduled for the start of the proficiency examination. The examinee shall present the following at the testing site:

1) Identification, which includes a photograph of the individual, such as driver's license, non-driver's Illinois identification card, employee identification card, or school identification card.

2) Registration application form, which has been completed and signed by the facility administrator.

3) The letter sent by the Department to specify the time and place that the applicant is registered to take the proficiency exam.

4) The registration fee charged by the college or agency administering the proficiency examination.

e) Any person who does not report to the designated testing site on time, or who fails to report without having given the Department advance notice of the individual's need to reschedule the exam (except in the case of an emergency which prohibits the individual from providing such advance notice, provided that the individual notifies the Department no later than five days after the exam), shall not be allowed to register to take the test at a later date.

f) Proficiency Examination Content

1) The basic nursing assistant proficiency examination will be the State-approved competency evaluation, both written and manual skills components, consist of written questions from the training program developed from the curriculum outlined in Section 395.300.

2) The developmental disabilities aide proficiency examination will consist of written questions from the training program curriculum outlined in Section 395.310.

g) The proficiency examination will consist of four sections. The examinee must correctly answer at least seventy percent of the questions in each section in order to successfully pass the proficiency examination. The Department will notify each examinee and employer in writing as to whether the examinee passed the proficiency examination.

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h) ~~The examinee will be allowed to retake individual sections of the proficiency exam that were failed. The examinee must follow the procedures outlined in this Section to register to retake portions of the proficiency examination.~~

ib) Any examinee who fails to successfully pass the proficiency examination three times within the first 45 to 90 days of employment must enroll in and successfully complete an approved Basic Nursing Assistant Training Program, or Developmental Disabilities Aide Training Program.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part:
Maternal and Child Health Services Code
- 2) Code Citation:
77 Ill. Adm. Code 630
- 3) Section Numbers:
630.20 Amendments
630.90 Amendments
630.200 Amendments
Proposed Action:
- 4) Statutory Authority:
The Civil Administrative Code of Illinois
Ill. Rev. Stat. 1989, ch. 127, par. 55 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:
The Maternal and Child Health program funds local community health organizations to provide a variety of Maternal and Child Health Services. The methodology and scope of these services are described in this part.
The proposed amendments are designed to clarify these requirements in order to respond to a number of issues raised in the recent audit. These changes will have minimal impact on the grantees since they are basically operating within these guidelines now.
The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.
The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes ___ No ✓
- 7) Does this Rulemaking contain an Automatic Repeat Date? Yes ___ No ✓
If "yes," please specify the date:
- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes ✓ No ___

- If "yes," please specify type: 6.02(a) ✓ or 6.02(b) ___
- 9) Are there any other Proposed Amendments Pending on this Part? Yes ___ No ✓
If Yes:
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
|---|------------------------|---------------------------|
| 10) <u>Statement of Statewide Policy Objectives:</u>
These rules will provide clarification of what is expected of grantees in performance of MCH programming. | | |
| 11) <u>Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:</u>
Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the <u>Illinois Register</u> .
These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.
Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments. | | |
| 12) <u>Initial Regulatory Flexibility Analysis:</u>
<u>A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:</u>
<u>B) Type of Small Businesses Affected:</u>
Local community health organizations receiving Maternal and Child Health program funds.
<u>C) Reporting, Bookkeeping or Other Procedures Required for Compliance:</u> | | |

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Maintenance of records on persons served; records of staff time and activities.

D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 630

MATERNAL AND CHILD HEALTH SERVICES CODE

SUBPART A: GENERAL

SECTION
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Legislative Base
Administration
Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

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Health Services for Women of Reproductive Age
Health Services for Children in the First Year of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

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630.60

Health Services for Children from One Year of Age to Early Adolescence
Health Services for Adolescents

SUBPART D: ADMINISTRATIVE REQUIREMENTS

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630 Appendix A

Definitions
Standards
Records
Reports
In-Service Training
Evaluation
Use of Project Funds
Program Income
Eligibility for Services
Availability of Services
Utilization of Community Resources
Abortions and Sterilizations
Reasonable Cost
Preparation of Applications
Review under Administrative Review Law
Outreach and Case Management
MCH Grant Proposal Review Form

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630. Appendix B Illinois Department of Public Health Reimbursement Certification Form
 630. Appendix C Instructions for Completing Reimbursement Certification Form
 630. Appendix D Plans to Achieve Objectives
 630. Appendix E Application and Plan for Public Health Program Grant

AUTHORITY: Implementing "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 2101 et seq.), the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1301 et seq.), "AN ACT concerning the disease of phenylketonuria, designating certain powers and duties in relation thereto, providing penalties for violations thereof, to repeal an Act therein named and to make an appropriation in connection therewith" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4903 et seq.), "AN ACT to revise the law in relation to coroners" (Ill. Rev. Stat. 1989, ch. 31, par. 10.2a), the Infant Mortality Reduction Act, (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7001 et seq.), the Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4601-100 et seq.), and authorized by the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 55.05).

SOURCE: Adopted and codified 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990; amended at 15 Ill. Reg. 13874, effective September 27, 1991; amended at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 630.20 Administration

a) General Provisions

- 1) Planning, programming and budgeting for Maternal and Child Health programs are the responsibility of the Division of Family Health of the Illinois Department of Public Health. The Department will develop each year an MCH Program Plan for Illinois which will assess current needs within the State and provide goals and objectives for improving the health of mothers and children, and for reducing infant mortality. The Department will provide to the University of Illinois Division of Services for Crippled Children thirty-two and one-tenth (32.1) percent of the total MCH Services Block Grant funds allocated to the Department [this being the percentage of Illinois' total funds awarded to the Division in federal Fiscal Year 1981 from the Title V consolidated health programs as defined in Title V, Section 501(b)(1)] and included in the DHHS base for computation of the Department's Fiscal Year 1982 MCH Services Block Grant. Such funds to be used in accordance with those provisions of Title V MCH Services Block Grant applicable to services to children with special health care needs and as further defined by Illinois statute (Ill. Rev. Stat. 1989, ch. 144, par. 67.1, Ill. Rev. Stat. 1989, ch. 144, par. 22, and 89 Ill. Adm. Code, ch. X, sec. 1200) and not subject to the rules contained herein.

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- 2) Giving highest priority to those areas in Illinois having high concentrations of low-income families, medically underserved areas, and those areas with high infant mortality and teenage pregnancies, the Department shall use the remaining sixty-seven and nine-tenths (67.9) percent of the total MCH Services Block Grant funds for MCH Projects consistent with the intent of Title V and to provide Department operational funds which are supportive of the above projects.
- 3) Projects shall be administered either directly by the Department, or through grants or contracts to health agencies of local political jurisdictions or private nonprofit agencies. All applicant agencies shall be subject to the planning, promotion, and coordination of such services by the Division of Family Health.
- 4) Each project shall operate according to a plan written in accordance with state guidelines contained herein which are consistent with Title V and its regulations. In addition, projects funded for Regionalized Perinatal Care, Lead Poisoning, Newborn Screening, Problem Pregnancy, or Sudden Infant Death Syndrome activities must meet the requirements of State statutes and the applicable State rules and regulations.

b) Review Process

1) Priorities for Ranking

- A) Priority shall be given to project applications for areas with concentrations of low income families. A low income family is defined as being either urban or rural, with an annual income below the nonfarm income official poverty level as defined by the Office of Management and Budget and revised annually in accordance with Section 624 of the Economic Opportunity Act of 1964. An area of concentration of low income is defined as a geographic area in which data are available indicating that a minimum of 20% of families or at least 1,000 individuals within its boundaries have an income less than the poverty level as described above. Priority will be given to those geographic areas in proportion to the extent to which the standard is exceeded. Applicants shall be required to document the socioeconomic factors within the geographic area proposed for the project.
- B) Priority for placement of projects shall also be given to areas that demonstrate a need for health services because of service scarcity or inaccessibility, and areas determined to have a need for such services as documented in the Illinois MCH Program Plan, revised annually. Areas demonstrating a reasonable probability of success based upon availability of facilities and personnel or the potential for developing such resources shall also be given priority.

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d) Reimbursement

- 1) Periodic requests for reimbursement of allowable expenses incurred in the operation of the project and as specified in the approved budget are to be prepared and submitted to the Office of Community Health Health Services Fiscal Unit. After review by appropriate fiscal and MCH staff, and approval by the MCH Program personnel, reimbursement requests will be processed for payment. Payment usually can be expected from five to six weeks after receipt of the reimbursement request by the Department. If unallowable expense items are included in the reimbursement request, they will be deducted, the project director will be notified, and only the allowable portion of the request will be reimbursed. In order to expedite cash flow, project directors should inquire about the appropriateness of questionable expenses prior to making the expenditure.

- 2) Complete reimbursement request shall consist of a Reimbursement Certification Form which can be expanded to multiple pages where necessary. Billings should be prepared in accordance with the following instructions:

- A) Frequency of submission: Projects with funding in excess of \$50,000 shall submit billings monthly. All others should submit billings at least quarterly. Any project may submit monthly billings. Quarters for the MCH grant periods are:

	State	Federal
	Fiscal Year	Fiscal Year
July 1 - September 30	1st	4th
Oct. 1 - December 31	2nd	1st
Jan. 1 - March 31	3rd	2nd
April 1 - June 30	4th	3rd

- B) Deadlines for submission: Billings must be submitted within 30 days of the end of the reporting period. For example, billing for the month of July shall be submitted not later than the end of August, billing for the quarter ending in March shall be submitted not later than the end of April. At the end of the grant period, however, projects will have 45 days in which to submit the final billing. ~~A reminder will be sent to all projects.~~
- C) Grouping of expenditures: Billing must be organized by the budget categories and line items of the approved project budget. A total for each budget category shall be shown.
- D) Voucher or check number: Every expenditure (goods or services already

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- C) Reapplications for continued funding will receive priority consideration in two succeeding years based on appropriation of funds by the General Assembly and performance showing progress toward stated goals. Funding for subsequent reapplications will be based upon the the priorities in subsections (1)(A) and (1)(B) and past performance.

2) Processing of Applications

- A) Applications shall be submitted no later than the due date indicated in the Request for Proposal (RFP) which shall be approximately ten weeks from the date of request. All exceptions must be requested and approved in writing.

- B) Staff of the Division of Family Health shall review the applications for completeness and request any needed additional information from the applicant.

- C) An evaluation committee appointed by the Chief of the Division of Family Health shall review all applications based on compliance with this Part. Documentation of the review process shall be a summary of ratings for all proposals reviewed. The review shall include as a minimum the items identified in the MCH Grant Proposal Review Form. Such items include but are not limited to linkages with other community resources, parental involvement in the program, matching fund requirements, and special budgetary justification.

- D) Upon consideration of the recommendations of the evaluation committee, the Chief of the Division of Family Health shall recommend a funding level for approved applications to the Director of the Illinois Department of Public Health. The Illinois Department of Public Health may award funds for amounts less than requested in the grant application.

- E) The Department will communicate final decisions to each applicant.

c) Funding

The preferred method of payment to Maternal and Child Health projects is by reimbursement of expenditures. In those instances in which a grantee does not have at least two months operating funds to implement the project, a cash advance may be requested. The request must be in writing and signed by the agency project director and the applicant-agency fiscal officer. Repayment and reconciliation methodology will be set forth in writing by the Chief, Division of Family Health, as a part condition of the agreement grant-award.

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paid for by the grantee) must be identified by a voucher number or check number. This is the key to maintaining a clearly defined audit trail. Each item reimbursed by the Division of Family Health or voluntarily shown as supporting expenditures must be based on an expenditure traceable through the project's internal record system. Invoices, bills, purchase orders, etc., shall be attached or cross referenced on the grantee's voucher or check stub and kept on file for 3 years beyond the end of the grant period. These are not to be submitted with project billings.

iii) In projects showing supporting expenditures they are to be reported with each reimbursement request and not accumulated.

K) Signature: The project director or an authorized agent must sign the billing form before submission. The individual signing the form is responsible for its accuracy. Authorized signatures must be on file with the Department.

L) Number of Copies: Submit four legible copies of the Reimbursement Certification Form. Additional pages may be duplicated as needed.

E) Date of voucher or check: Expenditures must be documented by showing the date of issue of the voucher or check.

F) Expenditures outside of report period: It is expected that reimbursement requests will be for goods and services received in the reporting period. Bills submitted to the project by providers, suppliers, etc., too late for inclusion may be submitted with the subsequent billing request.

G) Payee: Clearly identify (by name and address) the organization or individual to whom payment was made.

H) Purpose of Expenditure: The purpose of the expenditure must be clearly indicated so that the Division of Family Health staff may determine whether it is acceptable for reimbursement or as matching. Acceptability will be based on the terms of the agreement and this Part. For periodic charges, e.g., salaries, fringe benefits, travel, rent, utilities, etc., also show the time period covered.

I) Patient Confidentiality: Patients' names shall not appear anywhere on the billing. Where patient references are necessary to maintain an audit trail, patient numbers or other means of identification shall be used.

J) Expenditure: Expenditures shall be completed in accord with Instructions for Completion of the Reimbursement Certification Form (see Appendix B of this Part).

i) Sub-total expenditures in both columns by budget category, and show a grand total at the end of the billing.

ii) Individual expenditures reported may be entirely reimbursable, entirely paid from other resources, or a combination of the two. For example, a nurse's salary may be paid entirely by grant funds, entirely by local project funds, or partly from each source.

e) Monitoring

At least annually, appropriate professional health personnel of the Division and its consultants shall review each project for appropriateness of services and quality of care furnished to recipients in accordance with the project plan.

f) Auditing

1) The Grantee will maintain complete records of all services, receipts and disbursements relative to this grant agreement and agrees to make all such records available to the Department and its agents for audit in accordance with applicable requirements.

A) Local Governments: Audits shall be conducted in accordance with the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) and OMB Circular A-128 "Audits of State and Local Governments." All records related to the grant agreement shall be retained and available during normal business hours for three (3) years following termination of this grant agreement or for such time as may be provided in applicable state and federal statutes and administrative rules, whichever time is longer. The Grantee shall maintain all records which are subject to an active or announced audit until such audit is completed and all outstanding audit issues have been resolved.

B) Nonprofit Organizations: Audits shall be conducted in accordance with OMB Circular A-133 "Audits of Institutions of Higher Education and Other Nonprofit Organizations." All records related to the grant agreement shall be retained and available during normal business hours for three (3) years following termination of this grant agreement or for such time as may be provided in applicable state and federal statutes and administrative rules, whichever is longer. The Grantee shall maintain all records which are subject to an active or announced audit until such audit is completed and all outstanding audit issues have been resolved.

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- 2) Organizations falling under the audit provisions cited above must submit a copy of the audit report to the Illinois Department of Public Health within one month of the receipt of the final report. For any organizations not specifically covered under the above-stated audit requirements, or if after review of the report, the Illinois Department of Public Health requires additional information, the Department reserves the right to perform such an audit in accordance with the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1989, ch. 15, par. 1001 et seq.).

The Illinois Department of Public Health will conduct audits of local projects by the authority of AN ACT in relation to the establishment and maintenance of county and multiple county public health departments (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 20c.01). These audits will be conducted at least every two years and will be performed in accord with generally accepted auditing procedures. These audits will be either on-site reviews by Illinois Department of Public Health audit staff or will be desk audits of local public agencies covered by the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). In the latter case, the agency is required to submit a copy of the audit within one month of the receipt of the final report. If after review of the report the Illinois Department of Public Health requires additional information, then the Department reserves the right to perform such an audit.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section 630.90 Records

a) Administrative

The following administrative records shall be maintained by the project for a period of three years:

- 1) All financial records of expenditures, third-party reimbursements and other project income.
- 2) An inventory record of all equipment purchased from project funds including (listing shall be cumulative and updated annually):
 - A) A description of the item.
 - B) Inventory identification (I.D.) number. This can be a manufacturer's serial number or other I.D. number, but it must be permanently affixed to the item.

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- C) Acquisition date and cost.
 - D) From whom purchased.
 - E) Location and condition of the item. No property can be disposed of without prior written authorization of the Chief, Division of Family Health. Upon termination of a project the equipment becomes the property of the Illinois Department of Public Health.
- 3) Personnel records for all project staff.
 - 4) Statistical information derived from project activities.
- b) Patient Records
- 1) One record containing the appropriate information relative to that person's care shall be maintained on each patient.
 - 2) A project record shall be maintained on each individual registered in the project. The record should be designed to accommodate entries by each discipline providing services for that project. Documentation showing preauthorization of services purchased by the project shall be maintained as a part of the individual's patient record. All services provided to a particular patient by each discipline must be easily reviewable by the other disciplines.
 - 3) The record shall be useful as an administrative and health management tool.
 - 4) Confidentiality

The following information relating to patients and persons requesting services shall be treated as confidential:

 - A) Names and addresses individually or by list.
 - B) Information contained in reports of medical examinations and treatments.
 - C) Information about financial resources.
 - D) Information contained in registers, in case records, correspondence, any forms or notations obtained from or about the individual and family concerning his condition or circumstances, including all such information whether or not it is recorded.
 - E) Records of state and local health department evaluations of such

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information.

5) Release of Information

Information shall be kept confidential and shall not be divulged except as follows:

- A) Confidential information may be released only with the parent's or patient's consent to agencies, institutions or individuals who are requested to provide maternal and child health services to the mother or child, as a part of the program of the state agency.
- B) Confidential information may be released to other state or federal agencies having as their purpose the health and welfare of the mother or child for whom the patient or his parent, in his behalf, has requested services. In these circumstances the information may be released only if adequate assurances are given that:

The confidential character of the information will be preserved; the confidential information will be used only for the purpose for which it is made available; such proposals are reasonably related to the purposes of the program of the state or local agency and the functioning of the other agencies or programs; and the standards of protection established by the other agencies or programs to which the confidential information is made available are at least equal to those established by the state or local health department.

- C) Confidential information must be released to the Department to evaluate the effectiveness of prenatal care, to conduct research to reduce infant and maternal morbidity and mortality, and to assist the Department in the allocation of resources when a signed consent form is received from the patient. That consent form will include:

- 1) the name of person signing the form;
- 2) the name and address of the patient;
- 3) a statement of consent to release information for the purpose of evaluating the protocol for conducting research, for allocating resources; and
- 4) a protection against release beyond the Illinois Department of Public Health.

- D) Information may be disclosed in summary, statistical or other form, which

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does not make it possible to identify any particular individual.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 630.200 Preparation of Applications

a) Eligibility:

- 1) All public or private agencies recognized by the Illinois Department of Public Health as possessing a demonstrated capability of directing such projects are eligible for MCH Project Grants.
- 2) The following varieties of program implementation are acceptable:
 - A) Program implemented exclusively by the grantee agency;
 - B) Program implemented by the grantee agency in association with another community agency or agencies;
 - C) Program implemented by a community agency under contract to the grantee agency which maintains supervision and holds responsibility;
 - D) Program implemented by several agencies on a coordinated regional basis.
- 3) The General Assembly may, from time to time, appropriate state and federal funds for particular agencies or categories of agencies to provide MCH services, such as for local health departments to offer prenatal care services.

b) Application Development:

All applicants are urged to discuss their interests and ideas for developing programs early in the planning stages with the Division of Family Health. Applications may include one or more of the health service categories outlined in Sections 630.30 through 630.60. Staff of the Division of Family Health are available to assist applicants in planning programs meeting these guidelines. Applicants should refer to Sections 630.80 through 630.200 for further description of the standards for all MCH Projects.

c) Project Narrative:

The narrative section of the project application or plan shall contain the following elements and must address each item listed below:

- 1) Title of project.

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- 2) Problem: The health and related problems or needs which the project will address shall be identified.

3) Characteristics of the area:

A) Program plans shall specify the geographic areas or political jurisdictions which are in need of services. These can be census tracts, school districts, cities, counties, etc.; and should be areas with concentrations of low-income families. Concentration does not necessarily refer to demographic factors, but to the proportion of low-income families to a defined population.

B) Particular attention should be given to areas and census tracts in cities where maternal and child health services are inadequate due to overcrowding of facilities; where many women receive little or no care; and where maternal and infant mortality, morbidity, and prematurity rates are high, and the number of infant deaths is excessive. Particular attention also should be given to rural areas and economically depressed areas where the needs of maternity and infant patients are not being met.

C) Latest available demographic and other statistical and descriptive data on the area to be served shall be provided as applicable. Examples of such information include:

- i) population (sex, age, race and ethnic data should be included).
- ii) geography.
- iii) financial status/median income.
- iv) socioeconomic class.
- v) percent of public aid recipients.
- vi) population turnover (mobility).
- vii) prevalence of families with female head only.
- viii) birth rate: overall; teenage; and out-of-wedlock.
- ix) maternal mortality.
- x) infant mortality.

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- xi) morbidity and mortality through age 19.

- xii) distribution of medical and allied health services and personnel.

- xiii) other indicators of the overall health status of the community.

4) Objectives: Clearly stated measurable short-term (current grant year) and long-term objectives of the proposed project and a schedule for when they will be achieved shall be provided on the "Plans to Achieve Objective" Form. Criteria for the successful achievement of each objective must be included as well as the source of information to be used to evaluate success. The objectives shall be measurable and shall relate to specific aspects of the program.

5) Resources available:

A) A description of the applicant agency's capability to conduct a program of the scope envisioned, describing the health and social service facilities, agencies, programs, etc., in the community and the proposed relationship of these resources to the program shall be provided. Working letters of agreement signed by both parties shall be included in support of any referral arrangements.

B) Services in outpatient and inpatient facilities, appropriate to the needs of the area to be served, shall be arranged for in advance of initiating program services. Facilities shall be designed to expedite efficient patient flow, and to assure the privacy and dignity of the individual.

6) Program operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives.

A) Patient load: Estimates of the number of women, children and infants to be served by the program shall be included. This shall be provided separately for each category of service and group of clients to be served.

B) Location of Services: The locations and the types of services which will be provided by participating hospitals, clinics, private physicians, dentists, and other health and support resources shall be included.

C) Description of Services: The pediatric, maternal, family planning, dental and other services to be offered, with emphasis on those services which are not presently available to all segments of the community shall be described.

D) Comprehensiveness:

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- i) The program shall describe the comprehensive array of services necessary to assure optimal care within the service areas identified in the project, i.e., prenatal care, child health, adolescent health services, etc. Provisions shall be made for the development of a care plan for each client that assures effective interdisciplinary provision of services. Comprehensive means completeness to ensure that all needed services are available and integrated so that services are rendered in an orderly fashion, with an emphasis on assuring continuity of care.
- ii) Comprehensive health care includes not only physical examination and laboratory services but also nursing, social work, nutritional, dental and other health and support services as appropriate.
- iii) Standards and guidelines shall be developed so as to be specific for each group serviced using standards such as those outlined in Section 630.80. Criteria for high risk classifications shall be included and shall be consistent with these references as well.
- iv) The patient care plan shall take into account utilization of other health care resources necessary to assure optimal, continuous and complete maternal and infant care. Necessary arrangements for transportation, babysitting or homemaker services shall be described. Written procedures shall be developed by the project to assure that necessary health care will be provided including working letters of agreement signed by all required parties.
- E) Intake procedures: The intake procedures to be utilized i.e., appointments, walk-in combination, or other, including appropriate assurances that medical care and services will be delivered promptly shall be provided.
- F) Follow-up: Program plans shall outline the specific procedures which will be implemented to assure adequate follow-up services. Arrangements for follow-up services not directly rendered by the program should be described to assure that these recipients receive necessary services.
- G) Referral: The patient care plan shall provide for utilization of other health care resources necessary to assure continuous and complete care. Written procedures shall be developed by the project to assure that necessary health care and support will be provided and that standard referral procedures will be followed. Written agreements between

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agencies shall be developed and included with the application.

- H) Outreach: Plans for outreach such as home visits; health education to individuals or groups, including community organizations and use of mass media shall be described.
- 7) Organization:
 - A) The administrative structure and staffing pattern of the program, including organization charts, job descriptions for all positions, and curricula vitae for core personnel shall be provided.
 - B) Applicants shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the grant application. Copies of current licenses or certificates shall be maintained on file with the grantee.
 - C) Copies of insurance coverages shall be maintained on file including malpractice coverage.
- 8) Target group and eligibility requirements:
 - A) Descriptions of the target population within the service area and how the services are designed especially for this group shall be included.
 - B) Income standards for eligibility for services shall be 185 percent of the federal poverty guidelines (see 55 Fed. Reg. 5664, February 16, 1990). These are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.
 - C) A schedule of rates of payment for services shall be included in the grant application and shall be made known to patients at the time of admission interview and be applied flexibly after approval by the Illinois Department of Public Health. Approval will be based upon a cost analysis methodology which can be demonstrated to the Department.
 - D) Estimates of the percentage of the population eligible for all categories of services shall be provided listing the criteria to be used in deciding who is to receive services.

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E) The project director or a member of the project staff designated by him shall determine patient eligibility by taking into account the criteria listed below. Services shall be available:

- i) Without any requirement for legal residence except that the patient currently is living in the area served by the program.
- ii) Upon referral from any source including the patient's own application.
- iii) Without any requirement for court commitment as a prerequisite for any part of the care.

F) The method proposed for authorizing services allowable under project policies shall be described in the project plan. Authorization for services for which payments are made from project funds, shall be maintained by the grantee. A form for each patient shall show the services authorized, and the amounts expended for the specific types of services approved.

G) The grantee shall give assurance that:

- i) Services shall be available only to recipients because they are from low-income families or cannot access services for other reasons beyond their control.
- ii) Services shall be available to recipients from outside the project area only if approved by the project director.
- iii) Services shall be available to recipients who are not from low-income families only if such care does not reduce the delivery of necessary services to recipients from low-income families.

9) Patient record system: A description of procedures designed to insure that accurate and up-to-date health records will be initiated and maintained for each patient shall be included. The records shall include a complete medical history, growth charts, results of each medical examination, screening procedures, laboratory tests, a summary of instructions given to patients or parents, a list of medications prescribed, and all relevant health, patient education, social services and environmental information. Records shall be confidential. With the patient's consent, copies of medical records may be furnished to hospitals or other health care providers.

10) Evaluation of project activity: The methods proposed for assessing the progress

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of the program toward meeting its stated objectives shall be described.

11) Sub-contracts: Arrangements with other agencies or health care providers who will deliver a portion of the project's services, including copies of any contracts or agreements with outside providers shall be provided.

12) Third-party Reimbursement and Other Sources of Funds:

A) Additional program services may be furnished to larger numbers of patients by securing third-party reimbursement or other sources of funds. A project shall make every reasonable effort to collect from third-party sources (including government agencies) which are authorized or under legal obligation to make such payments. Approval will be made by the Department when the income is budgeted into the project and meets the standards in subsection (c)(8)(B).

B) Patients, who would not otherwise receive services for reasons beyond their control, may receive and be charged for services only if the provision of such services does not reduce the delivery of necessary services to the low-income patients. In those instances where charges are made for services provided to patients who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care and shall be approved by IDPH before implementation.

13) Regional and Local coordination:

A) In accordance with recommendations of the American Medical Association, the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, services for non-high risk as well as high risk mothers and infants shall be developed as a part of overall regional planning. Such regional coordination may involve the crossing of state boundaries.

B) When the provision of services or programs requires an advisory group composed of community representatives whose function is to make recommendations for awarding funds to subcontractors, membership shall be restricted to persons not having a fiduciary interest in, not serving in a policy making position for, and not working as a staff member for any applicant agency.

14) Supporting data and additional information: Additional relevant information to support the proposal shall be provided, including working letters of agreement

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from all participating agencies, ~~and~~ pertinent letters of support and evidence of nonprofit status.

specified reports shall be submitted within identified time lines.

d) Budget:

- 1) All applicants shall submit a detailed budget proposal for each project period as part of the project application for new applicants or with the progress report and any proposed plan revision for continuing projects. The budget proposal shall be submitted on forms provided by the Division of Family Health, and shall include all information and signatures required in the instructions.
- 2) The budget is divided into major categories of cost. Not all categories will apply to all projects. In preparing its budget, each project should use only those budget categories applicable to its own operations.
- 3) Budget categories are further divided into line items which specify the amounts for each item of expense allowable under the budget.
- 4) In some agreements between the State Agency and the delegate agency as subgrantee, local funds supplement the project effort. The local share may be in the form of cash contributions, or may be the "in kind" valuation placed upon goods, services, physical facilities, etc., directly benefiting or specifically identifiable to the grant supported activity.

e) General Requirements and Assurances:

Each project grant application shall contain assurances that:

- 1) The grantee shall implement the program within three months of the date when authorization to proceed is given. Funds for programs not implemented within three months shall revert to unawarded status, unless a written extension request is approved.
- 2) For any program developed under the stated alternative method of implementation, (See Section 630.200(a)(3)), the grantee agency shall retain sole responsibility for program implementation and fiscal accountability.
- 3) The grantee agency shall allow periodic on-site review of its programs and records including those of its subcontractors by the staff of the Division of Family Health or their authorized representatives.
- 4) The grantee agency shall submit quarterly performance reports to the Division of Family Health within thirty (30) days of the end of each quarter. The final annual report is due within 45 days of the end of the project period. All other

5)

Forms used to authorize services, for which payments are made from project funds shall be maintained by the grantee. A form for each patient shall show the services authorized, date of authorization, and the amounts expended for the specific types of services approved.

6)

Payment for high risk inpatient hospital services at perinatal centers designated in accordance with the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640 shall be based on the lesser of reasonable cost of services (See Section 630.190) or the customary charges to the general public for such services.

7)

Grantees shall not amend the application for which the grant was approved without prior written permission from the Department.

8)

The applicant shall maintain adequate records to show the disposition of all grant funds expended for activities for which the grant was made. All records shall be retained for three years after the close of the fiscal year in which the grant was made and shall be made available for audit purposes upon request of the Department.

9)

Attention is called to the requirements of Title VI, Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., the Age Discrimination Act of 1975, the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972 which provide that no person in the United States shall, on the grounds of age, handicap, race, color, creed, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. All services provided by the applicant shall be made available without discrimination on the grounds of age, handicap, race, creed, religion, sex, marital status, national origin or duration of residence. Professional liability insurance must be in place and on file for all personnel providing service.

10)

Grantees shall use grant funds in addition to, rather than in lieu of, existing local or other State or federal funds currently available for the purposes approved in the grant award. Existing funds which are currently available are those which have been available at least during the budget period immediately preceding the period for which funds are being requested and will also be available during the period for which the funds are being requested.

11)

Failure by the grantee to comply with these requirements, site review recommendations or grant conditions will be cause for discontinuance of funds or termination of the grant.

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f) Continuation Application:

- 1) For continuation applications, an annual progress report, budget and an abbreviated narrative describing the service model for the upcoming fiscal year must be submitted. Any proposed revisions to the project plan must be submitted in detail. This must include projected caseloads, and updated objectives on prescribed forms.
- 2) The annual progress report shall describe the accomplishments since the last annual progress report, and may include charts, graphs or tables in addition to the narrative report. Progress shall be related to stated objectives. Proposed revisions to the project plan shall be submitted as separate documents revising specific sections of the approved narrative.

g) Revisions

- 1) Any changes in the project narrative, objectives, caseload or budget must be submitted in writing to the Illinois Department of Public Health, Division of Family Health prior to implementing the change. All proposed changes must include a description of the change and justification for the change. Budget revisions should specify the amount of dollars involved and the type of change. When budgetary changes are requested revised budget pages shall be submitted. Telephone requests for emergency changes will be considered individually. Approved telephone requests must be followed by written documentation as described above prior to reimbursement.

- 2) Grantees shall be notified in writing when revisions are required by the Division in any matter related to the administration of the projects including but not limited to changes in funding levels.

3) There are three possible types of budget revisions:

- A) Adjustment - The total amount of the budget remains the same. Funds are shifted within the budget between line items and/or budget categories.
- B) Supplement - The total amount of the budget is increased by adding funds to specific budget categories and line items, or by creating new line items.
- C) Reduction - The total amount of the budget is decreased by reducing or eliminating line items or budget categories.

h) Termination

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- 1) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in Section 630.20(b)(1)(C).

- 2) A grantee who has substantially failed to comply with this Part and the grant award as documented at site reviews for two consecutive years will have funding terminated. Substantial failure for the purpose of this Section shall mean failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. The grant contract may be terminated by either party upon a 30 day written notice. Unallocated monies will be used to expand existing projects or to fund new projects in underserved areas.

- 3) The Director, after notice and opportunity for hearing to the grantee, may suspend or terminate the grant in any case in which he/she finds that there is or has been a violation of this part.

- 4) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the delegate agency shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the delegate agency, the Director shall make a determination specifying the findings and conclusions. A copy of such determination shall be sent by registered mail, by certified mail, or served personally upon the grantee. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section 635.200.

- 5) The procedure governing hearings authorized by this Part shall be in accordance with Rules and Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

- 6) If, however, the Department finds that:

- A) The public interest, including financial interest, health safety, or welfare requires emergency action (emergency action would result from such instances as, but not limited to, bankruptcy and/or insolvency, fraud, and financial instability); and
- B) Unless the Department receives documentation that the grantee's assets are sufficient to meet the grantee's liabilities in the form of a certified financial statement; and

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- C) If the Director incorporates a finding to that effect in the order, then
- D) Summary suspension of the grant shall be ordered pending proceedings for termination or referral to State or federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined.
- 7) In no case where summary suspension has been ordered shall reimbursement be made to the delegate agency for costs incurred or funds expended after the date of summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Private Sewage Disposal Code

2) Code Citation:

77 Ill. Adm. Code 905

3) Section Numbers:

905.15
905.100

Proposed Action:

Amendment
Amendment

4) Statutory Authority:

Private Sewage Disposal Licensing Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking updates an incorporation by reference of ANSI/NSF Standard 40, Individual Aerobic Wastewater Treatment Plants, from the May 1983 to the July 1990 edition. The rulemaking also removes a requirement for aerobic treatment plants to bear the NSF seal, requiring instead that plants be listed by NSF.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes _____ No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes _____ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain any Incorporations by Reference? Yes X No _____

If "yes," please specify type: 6.02(a) X or 6.06(b) _____

9) Are there any Other Proposed Amendments Pending on this Part? Yes _____ No X

If yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

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11) Statement of Statewide Policy Objectives:

This rulemaking will not create or expand any expenditures on the part of any local government.

12) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Private sewage system contractors.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Private sewage businesses must maintain manufacturer's invoice for specified aerobic treatment plant aerator.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 905

PRIVATE SEWAGE DISPOSAL CODE

Section

Definitions

905.10 Incorporated Materials

905.15 General Requirements

905.20 Approved Private Sewage Disposal Systems

905.30 Septic Tanks

905.40 Distribution Boxes

905.50 Subsurface Seepage System Requirements

905.60 Buried Sand Filters

905.70 Recirculating Sand Filter

905.80 Waste Stabilization Ponds

905.90 Aerobic Treatment Plants

905.100 Surface Discharges

905.110 Disinfection

905.120 Human Waste Disposal

905.130 Holding Tanks

905.140 Sanitary Dump Stations

905.150 Swimming Pool Wastewater

905.160 Servicing, Cleaning, Transporting and Disposing of Wastes from Private Sewage Disposal Systems

905.170

905.180 Examinations for Licensure

905.190 Installation Approval

905.200 Licenses and Fees

905.210 Notification of Disposal Site

APPENDIX A Illustrations and Exhibits

ILLUSTRATION A Quantity of Sewage Flows

ILLUSTRATION B Approved Plastic Pipe Materials (Repealed)

ILLUSTRATION C List of Approved Plastic Pipe for Septic Uses

ILLUSTRATION D Location of Components of Private Sewage Disposal Systems

ILLUSTRATION E Septic Tanks

EXHIBIT A Septic Tank with Slip-In Baffles

EXHIBIT B Septic Tank with T-Baffles

ILLUSTRATION F Minimum Volumes for Septic Tanks Serving Residential Units

ILLUSTRATION G Instructions for Conducting Percolation Tests

ILLUSTRATION H Subsurface Seepage System Size Determination

EXHIBIT A Gravel System

EXHIBIT B Gravel-less System

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ILLUSTRATION I	Seepage Field Construction
EXHIBIT A	Standards - Gravel System
EXHIBIT B	Size and Spacing - Gravel System
EXHIBIT C	Standards - Gravel-less System
EXHIBIT D	Size and Spacing - Gravel-less System
ILLUSTRATION J	Septic Tank Subsurface Seepage Field
EXHIBIT A	Plan View - Gravel System
EXHIBIT B	Section View - Gravel System
EXHIBIT C	Plan View - Gravel-less System
EXHIBIT D	Section View - Gravel-less System
ILLUSTRATION K	Serial Distribution
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EXHIBIT B	Section View #1 - Gravel System
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EXHIBIT E	Plan View #1 - Gravel-less System
EXHIBIT F	Section View #1 - Gravel-less System
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ILLUSTRATION L	Seepage Bed
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ILLUSTRATION O	Recirculating Sand Filter System
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EXHIBIT B	Flow Splitter Detail
ILLUSTRATION P	Recirculating Sand Filter Sizing Chart
ILLUSTRATION Q	Recirculation Tank Pump Control
ILLUSTRATION R	Waste Stabilization Pond
EXHIBIT A	Plan View
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ILLUSTRATION S	Chlorine Contact Tank
EXHIBIT A	Minimum Required Chlorine Contact Tank Volume
EXHIBIT B	Chlorine Feeder, Contact Tank, and Sampling Port
ILLUSTRATION T	Sanitary and Concrete Vault Privy
ILLUSTRATION U	Septic Privy Distribution System
EXHIBIT A	Plan View

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EXHIBIT B	Section View
ILLUSTRATION V	Sanitary Dump Station
EXHIBIT A	Section View #1
EXHIBIT B	Plan View
EXHIBIT C	Section View #2
ILLUSTRATION W	Swimming Pool Backwash Water Holding Tank
ILLUSTRATION X	Local Authorities (Repealed)
APPENDIX B	Telephone or Address Inquiries to the Regional Office

AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 116.301 et seq.).

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective May 1, 1992; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 16 Ill. Reg. _____, effective, _____.

Section 905.15 Incorporated Materials

a) The following federal and state regulations, standards, and statutes are incorporated or referenced in various sections of this part:

1) National Sanitation Foundation. Criteria C-9, Evaluation of Special Processes, Components, or Devices Used in Treating Wastewater (1983) and published by:

The National Sanitation Foundation
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106.

2) ANSI/NSF National Sanitation Foundation, Standard Number 40, Individual Aerobic Wastewater Treatment Plants (July 1990 1983) and published by:

NSF International ~~The National Sanitation Foundation~~
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106.

3) National Sanitation Foundation, Standard Number 41, Wastewater Recycle/Reuse and Water Conservation Devices (1983) and published by:

The National Sanitation Foundation
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 905.100 Aerobic Treatment Plants

a) General. After the effective date of this Code, aerobic treatment plants shall be listed by NSF International and comply as complying with the requirements of ANSI/NSF the National Sanitation Foundation (NSF) Standard Number 40, Individual Aerobic Wastewater Treatment, July 1990 May 1983, and shall bear the NSF seal. Aerobic treatment plants approved by this Department prior to the effective date of this Code shall continue to be approved as indicated in the provisions of the original approval issued by the Department. A list of approved aerobic treatment plants will be periodically updated and a copy of this list may be obtained from the Department.

b) Class II Effluent. Aerobic treatment plants listed by NSF for Class II effluent (BOD5-60mg/l and Suspended Solids 100 mg/l) shall discharge to one of the following:

- 1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.
- 2) A sand filter designed and constructed in accordance with the requirements of Sections 905.70 or 905.80.
- 3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.

c) Class I Effluent. Aerobic treatment plants listed by NSF for Class I effluent (BOD5-30 mg/l and Suspended Solids 30 mg/l) shall discharge to one of the following:

- 1) A subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by percolation tests.
- 2) To the ground surface in accordance with Section 905.110.

d) Sizing. Aerobic treatment plants which are listed by N.S.F. as Class I and rated at 500 gallons per day will be allowed for the treatment of sewage from homes having up to four bedrooms.

e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.

f) Access. Aerobic treatment plants shall be accessible to allow maintenance and service of all components within the plant.

4) A) Requirements for the Design of Wisconsin Mounds in Illinois (1983) Illinois Department of Public Health:

i) PART I of this Manual is taken from the material printed in the "Design and Construction Manual for Wisconsin Mounds", September 1978.

ii) PART II of this Manual is reprinted from the "Design of Pressure Distribution Networks for Septic Tank-Soil Absorption Systems," January 1981, University of Wisconsin.

B) Parts I and II are published by:

Small Scale Waster Management Project
University of Wisconsin
Madison, Wisconsin 53706.

5) American Society for Testing and Materials (ASTM) required standard are listed under Section 905.110 Illustration C. List of approved plastic pipe for septic uses standard may be obtained from:

American Society for Testing and Materials
1916 Race Street
Philadelphia, PA. 19103

6) Illinois Plumbing Code 1983 (77 Ill. Adm. Code 890) Illinois Department of Public Health.

7) Recreational Areas Rules (77 Ill. Adm. Code 800) Illinois Department of Public Health.

8) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) Illinois Department of Public Health.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

d) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 535 West Jefferson, Springfield, Illinois 62761.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

No.

7) Does this Rulemaking Contain an Automatic Repeal Date?

No.

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes.

Federal Laws and Rules

- 1) The Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.)
- 2) 21 CFR 801 Labeling (1992)
- 3) 21 CFR Subchapter J Radiological Health
- 4) 21 CFR 1003 Notification of Defects and Failure to Comply
- 5) 21 CFR 1010 Performance Standards for Electronic Products: General
- 6) 21 CFR 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products (1992)

State Laws and Rules

- 1) The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.)
- 2) An Act in relation to public health. (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 et seq.)
- 3) The Local Health Departments Program Standard Code (77 Ill. Reg. 615)
- 4) The Illinois Plumbing Code (77 Ill. Adm. Code 890)
- 5) The Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

Codes and Standards

- 1) The National Electrical Code, 1990, National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, telephone 1-800-344-3555.
- 2) Standard for Portable Sun/Heat Lamps, UL 482, Sixth Edition, July 6, 1987, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062.

9) Are there any other Proposed Amendments Pending on this Part?

No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat., 1991, ch. 85, par. 2203).

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

May 12, 1992

B) Type of Small Businesses Affected:

Tanning facilities, beauty parlors, barber shops, health and fitness clubs and other establishments which make tanning equipment available for use by the public for payment of a fee or other consideration.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Posting and provision of written warnings, verification of customers' completion of mandatory form, notification of incidents involving customers' injuries, notification of changes to information on permit application.

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D) Types of Professional Skills Necessary for Compliance:

Familiarity and training in the requirements of a tanning facility operator.

The full text of the Proposed Rule begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTHPART 795
TANNING FACILITIES CODE

SECTION

795.10	Purpose and Scope
795.20	Incorporated Materials
795.30	Definitions
795.40	Exemptions
795.50	Liability
795.60	Application for Permit to Operate a Tanning Facility
795.70	Issuance of Permit to Operate a Tanning Facility
795.80	Expiration of Permit to Operate a Tanning Facility
795.90	Renewal of Permit to Operate a Tanning Facility
795.100	Report of Changes
795.110	Non-Transfer of Permit
795.120	Approval Not Implied
795.130	Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility
795.140	Hearings
795.150	Construction and Operation of Tanning Facilities
795.160	Additional Requirements for Stand-Up Booths
795.170	Protective Eyewear
795.180	Operators
795.190	Records
795.200	Injury Reports
795.210	Sanitation
795.220	Enforcement and Penalties

AUTHORITY: Implementing and authorized by the Tanning Facility Permit Act, Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8351-1 through 8351-83.

SOURCE: Adopted at 16 Ill. Reg. , effective .

Section 795.10 Purpose and Scope

- a) This Part provides for the issuance of a permit to operate a tanning facility using ultraviolet lamps, and regulation of the maintenance and operation of tanning facilities.
- b) In addition to the requirements of this Part, all facilities are subject to the applicable provisions of other statutes or rules incorporated in this Part.
- c) Nothing in this Part shall be interpreted as limiting the intentional exposure of patients to ultraviolet radiation for the purpose of treatment or use by a physician licensed to practice medicine in all of its branches.

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Section 795.20 Incorporated Materials

The following materials are incorporated by reference in this Part:

- a) Federal Laws and Rules
 - 1) The Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.)
 - 2) 21 CFR 801 Labeling (1992)
 - 3) 21 CFR Subchapter J Radiological Health
 - 4) 21 CFR 1003 Notification of Defects and Failure to Comply
 - 5) 21 CFR 1010 Performance Standards for Electronic Products: General
 - 6) 21 CFR 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products (1992)
- b) State Laws and Rules
 - 1) The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.)
 - 2) An Act in relation to public health (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 et seq.)
 - 3) The Local Health Departments Program Standard Code (77 Ill. Reg. 615)
 - 4) The Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 5) The Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- c) Codes and Standards
 - 1) The National Electrical Code, 1990, National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, telephone 1-800-344-3555.
 - 2) Standard for Portable Sun/Heat Lamps, UL 482, Sixth Edition, July 6, 1987, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062.
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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- e) Nothing in this Part shall relieve any person of responsibility for compliance with other pertinent Illinois and federal laws and regulations.

- f) Copies of these materials shall be on file and available for inspection by the public at the Department's central office (525 West Jefferson Street, Springfield, IL 62761)

Section 795.30 Definitions

The definitions and interpretations contained in Section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), 21 CFR 1040.20, the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) are applicable to such items when used in this Part. The following definitions shall also apply:

"Act" means the Tanning Facility Permit Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8351-1 through 8351-83).

"Agent" means a local health department recognized by the Department.

"Applicant" means any person who applies to the Department for a permit to maintain and operate a tanning facility.

"CONSUMER" MEANS ANY MEMBER OF THE PUBLIC WHO IS PROVIDED ACCESS TO A TANNING FACILITY IN EXCHANGE FOR A FEE OR OTHER COMPENSATION, OR ANY INDIVIDUAL WHO, IN EXCHANGE FOR A FEE OR OTHER COMPENSATION, IS AFFORDED USE OF A TANNING FACILITY AS A CONDITION OR BENEFIT OF MEMBERSHIP OR ACCESS (Section 5 of the Act).

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH OR OTHER HEALTH AUTHORITY DESIGNATED AS ITS AGENT (Section 5 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE (Section 5 of the Act).

"Disinfect" means a process which provides an effective concentration of a United States Environmental Protection Agency approved chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on tanning equipment surfaces and in toilet and handwashing facilities.

"Facility" means tanning facility.

"FEE" MEANS THE PAYMENT OR EXCHANGE OF GOODS, OR ANYTHING OF VALUE FOR THE USE OF THE TANNING FACILITY OR FACILITIES (Section 5 of the Act).

"Individual" means any human being.

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"Inspection" means an official examination or observation which includes, but is not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Department;

"Licensee" means the same as "permittee".

"OPERATOR" MEANS THE PERSON DESIGNATED BY THE LICENSEE FOR THE FACILITY to control the operation of a tanning facility and TO ASSIST AND INSTRUCT THE PUBLIC IN THE CORRECT OPERATION OF THE TANNING FACILITY (Section 5 of the Act).

"OTHER COMPENSATION" MEANS THE PAYMENT OR EXCHANGE OF GOODS, OR ANYTHING OF VALUE FOR USE OF THE TANNING FACILITY OR FACILITIES (Section 5 of the Act).

"Permit" means a permit issued by the Department in accordance with this Part.

"Permittee" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

"Protective eyewear" means any device designed to be worn by users of tanning equipment to reduce the exposure of the eyes to radiation.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Agency, and who is obligated to obtain such permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

"TANNING EQUIPMENT" MEANS SUNLAMP PRODUCTS AND ULTRAVIOLET LAMPS INTENDED TO INDUCE SKIN TANNING THROUGH THE IRRADIATION OF ANY PART OF THE LIVING BODY (Section 5 of the Act). Tanning equipment also includes any accompanying equipment, including, but not limited to protective eye wear, timers and handrails.

"TANNING FACILITY" OR "TANNING FACILITIES" MEANS A ROOM OR A BOOTH OR A GROUP OF ROOMS OR BOOTHS, structure or business that houses ULTRAVIOLET

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LAMPS OR PRODUCTS CONTAINING LAMPS INTENDED FOR THE IRRADIATION OF ANY PART OF THE LIVING BODY FOR COSMETIC OR NONMEDICAL RELATED PURPOSES BUT DOES NOT INCLUDE ANY HOTEL OR MOTEL GUEST ROOMS WHERE SUNLAMPS ARE INSTALLED IN THE RESTROOM AREA (Section 5 of the Act).

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between two hundred (200) nanometers and four hundred (400) nanometers.

Section 795.40 Exemptions

- a) Equipment intended for purposes other than the deliberate exposure of parts of the living human body to ultraviolet radiation and which produce or emit ultraviolet radiation incidental to its proper operation are exempt from the provisions of this Part.
- b) Radiation machines while in transit or storage incidental thereto are exempt from provisions of this Part.
- c) Any physician licensed to practice medicine in all of its branches, any licensed dentist or any licensed podiatrist is exempt from the provisions of this Part to the extent that such practitioner uses, in the practice of medicine, dentistry or podiatry, medical diagnostic and therapeutic equipment which emits ultraviolet radiation.
- d) Any individual is exempt from the provisions of this Part to the extent that such individual owns tanning equipment exclusively for personal use and no fee or other compensation is involved in the use of the tanning equipment.

Section 795.50 Liability

Compliance with this Part does not affect the liability of a tanning facility permittee, operator or a manufacturer of a tanning device.

Section 795.60 Application for Permit to Operate a Tanning Facility

- a) Each person having a tanning facility in operation on the effective date of this Part shall apply to the Department for a permit to operate such facility within ninety (90) days following the effective date of this Part or, thereafter, prior to acquiring or establishing the operation of a tanning facility. Application for the permit shall be completed on forms prescribed by and available from the Department and shall contain all the information required by the form and any accompanying instructions. Unless otherwise stated, the term "application" as used herein shall include original and renewal applications.

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- b) In the event of a change of ownership, the new owner shall apply for a permit to operate a tanning facility prior to taking possession of the property. A provisional permit may be issued by the Department until an initial inspection for a permit can be performed by the Department or its designated agent.
- c) The Department shall require at least the following information on the Application for Permit to Operate a Tanning Facility form:
- 1) name, physical address, mailing address and telephone number(s) of the following:
 - A) The tanning facility;
 - B) The applicant (owner[s]) of the tanning facility;
 - 2) the manufacturer, model number, serial number, year and month of manufacture, and type of each ultraviolet lamp or piece of tanning equipment located within the facility;
 - 3) the primary function of the business in which the tanning facility is located;
 - 4) the geographic areas within the State to be covered, if the facility is mobile;
 - 5) copies of any posted warnings or other notices which are not required by this Part and which address the safe or proper use of tanning equipment and protective devices;
 - 6) copies of consent forms and statements which consumers, parents or guardians will be required to sign pursuant to this Part;
 - 7) names and addresses of the tanning equipment supplier(s), installer(s), and service agent(s);
 - 8) a copy of the operating procedures to be used in the tanning facility;
 - 9) the hours of operation of the tanning facility;
 - 10) the name of the on-site manager of the tanning facility;
 - 11) a signed and dated certification that the applicant has received, read and understood the requirements of this Part;
- d) Each applicant shall provide such additional information as the Department may reasonably require.
- e) Each initial application shall be submitted with a nonrefundable \$250 fee.

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- f) Each annual renewal application shall be submitted with a nonrefundable \$150 fee.
- g) If the owner owns or operates more than one tanning facility, the owner shall file a separate application and submit a separate fee for each facility owned and operated.

Section 795.70 Issuance of Permit to Operate a Tanning Facility

- a) Within 90 days of receipt of each application, the Department or its designated agent shall complete the initial inspection of the premises of such tanning facility and ensure that the premises and tanning facilities are installed and will be operated in accordance with the Act and this Part.
- b) Upon submission of the application and the required fee, and if the initial and subsequent inspections indicate that the premises and tanning facilities are installed and will be operated in accordance with the Act and this Part, the Department shall issue a permit to operate the tanning facility.
- c) The Department may stagger permit renewal dates on a quarterly basis with an initial permit being effective from 9 months to 15 months.
- d) With the exception of tanning facilities in operation on the effective date of this Part, pursuant to Section 795.60(a), no person shall operate a tanning facility until the Department has issued the permit to operate.
- e) Permits issued by the Department shall be displayed in a conspicuous place within sight of the public when entering the premises of the tanning facility.

Section 795.80 Expiration of Permit to Operate a Tanning Facility

Each permit to operate a tanning facility shall expire at the end of the specified last day of the month and year stated therein.

Section 795.90 Renewal of Permit to Operate a Tanning Facility

- a) Application for renewal of a permit shall be filed in accordance with Section 795.60.
- b) In order to renew a permit, a permittee shall file a complete application for renewal with the Department not less than thirty (30) days prior to the expiration of his/her permit, whereupon the permittee's existing permit shall not expire until the renewal application status has been finally determined by the Department.

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- c) The Department may refuse to renew the permit of any owner or operator who has been found to be in violation of the Act or this Part for the safe operation of tanning facilities.
- d) Each tanning facility shall be inspected at least once each year after the initial year in which the facility was granted a permit.
- e) Each tanning facility which fails to submit an application for renewal of its permit to operate a tanning facility prior to the expiration of the permit shall pay a nonrefundable \$250 fee for the renewal of the permit.

Section 795.100 Report of Changes

The facility owner shall notify the Department in writing before making any change which would render the information in the application, reported pursuant to Section 795.60, no longer accurate. This requirement shall not apply to changes involving replacement of the original equipment lamp types which have been certified with the United States Food and Drug Administration (U.S.F.D.A.) as "equivalent" lamps under the U.S.F.D.A. regulations and policies applicable at the time of replacement of the lamps. The facility owner shall maintain, at the facility, manufacturer's literature demonstrating the equivalency of any replacement lamps and shall maintain a log noting the date of installation of all replacement bulbs in each piece of tanning equipment.

Section 795.110 Non-Transfer of Permit

No permit shall be transferable from one person to another or from one tanning facility to another.

Section 795.120 Approval Not Implied

- a) No person, in any advertisement, shall refer to the fact that he or his facility has a Permit to Operate a Tanning Facility issued by the Department pursuant to the provisions of Section 795.70, and no person shall state or imply that any activity under such permit has been approved by the Department.
- b) Tanning facilities shall not claim, advertise or distribute promotional materials which claim that using a tanning device is safe or free from risk.

Section 795.130 Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility

- a) The Department may deny, suspend, revoke or refuse to renew a permit to operate a tanning facility sought or issued pursuant to this Part for any of the following reasons:

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- 1) the failure to submit information required pursuant to Section 795.60 which demonstrates that the tanning facility will be constructed, operated and maintained in accordance with the requirements of this Part;
- 2) submission of incorrect, false or misleading information in the documents required under this Part;
- 3) failure to construct, operate or maintain the tanning facility in accordance with this Part, except as such maintenance may involve the replacement of lamps by "equivalent" lamps which have been defined in Section 795.100 above;
- 4) operation of the tanning facility in a way that causes or creates a nuisance or hazard to the public health or safety;
- 5) violation of the provisions of the Act or the rules and regulations adopted by the Department;
- 6) violation of any condition upon which the permit was issued;
- 7) failure to allow duly authorized agents of the Department or its designated health authorities to conduct inspections of the facility at reasonable hours and in a reasonable manner;
- 8) conviction of an applicant or permit holder of an offense arising from false, fraudulent, deceptive, or misleading advertising; (The record of conviction or a certified copy of such record shall be conclusive evidence of the conviction.)
- 9) revocation of a permit during the past 5 years, or surrender or expiration of the permit during the pendency of action by the Department to revoke or suspend the permit during the previous 5 years, if before the permit was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior permit;
- 10) payment of permit fees or fines with checks returned for non-sufficient funds; or
- 11) failure to pay any permit fees or applicable fines.

Section 795.140 Hearings

If any permit is denied, suspended, revoked or denied renewal by the Department, the applicant may request a hearing in accordance with the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

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Section 795.150 Construction and Operation of Tanning Facilities

Unless otherwise ordered or approved by the Department, each tanning facility shall be constructed, operated, and maintained to meet the following minimum requirements:

(a) Physical facilities

- (1) The following warning sign, provided by the Department, shall be conspicuously posted in the immediate proximity (within 3 feet) of each piece of tanning equipment; it shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item so that the user can easily view the warning sign before energizing the ultraviolet light generating equipment:

Danger - Ultraviolet Radiation (This indented heading must be in upper case letters.)

-Follow instructions.

-Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury, sunburn and allergic reactions. Repeated exposure may cause chronic damage characterized by wrinkling, dryness, fragility, bruising, premature aging of the skin, and skin cancer.

-Wear protective eyewear.

Failure to use protective eyewear may result in severe burns or long-term injury to the eyes. (This sentence must be in upper case letters.)

-Ultraviolet radiation from sunlamps aggravates the effects of the sun. Do not sunbathe before or after exposure to ultraviolet radiation.

-Abnormal or increased skin sensitivity or burning may be caused by certain foods, medications (including, but not limited to tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills, and skin creams), cosmetics or toiletries. Consult a physician before using a sunlamp if you are using prescription or non-prescription medications, have a history of skin problems, or believe yourself especially sensitive to sunlight. Pregnant women and women on birth control pills who use a tanning device may develop discolored skin.

-If you do not tan in the sun, you are unlikely to tan from the use of this product.

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- Use of a tanning device does not provide a substantial protective base against the effects of the sun.
- 2) The lettering on each warning sign shall be at least 3/8 inches high for all words shown in capital letters and at least 3/16 inches high for all lower-case letters.

b) Requirements for Tanning Devices

- 1) Only tanning equipment manufactured and certified to comply with the Code of Federal Regulations (CFR) 21 CFR 1040.20, entitled "Sunlamp products and ultraviolet lamps intended for use in sunlamp products," shall be used in tanning facilities.
- 2) Each piece of tanning equipment shall have a timer which complies with the requirements of 21 CFR 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than plus or minus 10% of the maximum timer interval for the product.
- 3) Each piece of tanning equipment shall incorporate a control on the device to enable the consumer to manually terminate radiation without pulling the electrical plug or coming into contact with the ultraviolet lamp.
- 4) All tanning equipment electrical circuits shall be provided with ground fault protection and shall be listed by the Underwriters Laboratory (UL) or its equivalent.
- 5) Tanning equipment shall meet the requirements of the National Fire Protection Association's National Electrical Code and shall have been inspected and have satisfied all the local electrical code requirements.
- 6) There shall be physical barriers to protect consumers from injury induced by touching or breaking the lamps. Each ultraviolet lamp shall be shielded to prevent contact with the consumer.
- 7) Each tanning facility shall be so equipped to dissipate heat that the interior temperature does not exceed one hundred degrees (100°) Fahrenheit or thirty-eight degrees (38°) Celsius.
- 8) Defective or burned-out lamps, bulbs or filters shall be replaced with a type of the same spectral ultraviolet distribution intended for use in that device as specified on the product label on the tanning equipment, or, with lamps or filters that are "equivalent" under 21 CFR 1040.20.

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Section 795.160 Additional Requirements for Stand-Up Booths

- a) There shall be physical barriers or other methods, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.
- b) The construction of the booth shall be such that it will withstand the stress of use and the impact of a falling person.
- c) Access to the booth shall be of rigid construction; doors shall open outwardly. Handrails for the consumer to grasp during operation of the tanning equipment shall be provided; non-slip floors may be provided.

Section 795.170 Protective Eyewear

- a) Each consumer shall be provided with protective eyewear free of charge before each tanning session, with instructions for its mandatory use.
- b) Protective eyewear shall meet or exceed the requirements of 21 CFR 1040.20(c)(4). Tanning facilities shall maintain documentation to verify that protective eyewear meets federal requirements.
- c) Protective eyewear shall be properly sanitized before each use, using a sanitizing agent which is registered by the United States Environmental Protection Agency (U.S.E.P.A.) as follows:
 - 1) immersion for at least one (1) minute in a clean solution containing at least two hundred (200) milligrams per liter (parts per million) of available quaternary ammonium compound at a temperature of at least seventy-five degrees Fahrenheit (75°F.); or
 - 2) immersion for at least one (1) minute in a clean solution containing at least fifty (50) milligrams per liter (parts per million) of available chlorine as a hypochlorite and at a temperature of at least seventy-five degrees Fahrenheit (75°F.); or
 - 3) immersion for at least one (1) minute in a clean solution containing at least twelve and one-half (12.5) milligrams per liter (parts per million) of available iodine and at a pH of which the efficacy has been demonstrated to be effective by the manufacturer and at a temperature of at least seventy-five degrees (75°F.); or
 - 4) immersion in a clean solution containing any other chemical sanitizing agent registered by the United States Environmental Protection Agency (U.S.E.P.A.) and specifically manufactured

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for use with protective eyewear that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) milligrams per liter (parts per million) of available chlorine as hypochlorite at a temperature of least seventy-five degrees Fahrenheit (75°F.) for one (1) minute.

- d) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million shall be used to measure the strength of the sanitizing solution at least once each day of tanning facility operation or more frequently as needed to ensure sufficient strength of the sanitizing solution.
- e) Exposure of protective eyewear and other tanning equipment to the ultraviolet radiation produced by the tanning equipment itself shall not be considered a sanitizing agent.
- f) Each consumer shall wear the protective eyewear as instructed. The operator shall not allow a consumer to use a tanning device if the consumer does not wear protective eyewear.

Section 795.180 Operators

- a) An operator adequately trained in the correct operation of the facility must be present when tanning equipment is operated so as to be able to inform and assist the public in the correct use of the tanning equipment. Such training shall include:
 - 1) knowledge of the requirements of this Part and of 21 CFR 1040.20;
 - 2) proper use of U.S.F.D.A. Recommended Exposure Schedule;
 - 3) procedures for correct operation of the tanning device;
 - 4) recognition of injuries and the facility's methods of handling of such injuries from overexposure to ultraviolet radiation;
 - 5) manufacturer's procedures for operation and maintenance of the tanning device;
 - 6) use of protective eyewear;
 - 7) emergency procedures in case of injury;
 - 8) effects of ultraviolet radiation, acute and chronic exposure, biological effects, and health risks; and
 - 9) photosensitizing agents;

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- b) A list of the facility's operators who have been trained in accordance with Section 795.180(a), noting the date of training, hours spent in training and specific materials used in training, shall be maintained and available at the facility for inspection by the Department or its designated agent.
- c) A trained operator must be present at a tanning facility at all times during operating hours. No consumer shall be allowed to use the tanning equipment in the absence of a trained operator.
- d) The operator shall instruct the consumer in the proper position to be maintained in relation to the tanning lamps; the position of the safety railing, if applicable; the manual switching device to terminate the radiation in case of emergency and reasonable exposure time.
- e) Operators shall limit each consumer to the maximum exposure time as recommended by the manufacturer. Operators shall not allow use of tanning equipment by consumers who have used the services of a tanning facility within the immediately previous eighteen (18) hours.
- f) Operators shall keep a list of emergency telephone numbers in view at each tanning facility. This list shall include the telephone numbers of the following:
 - 1) closest hospital;
 - 2) fire department;
 - 3) emergency medical services or 911 service, if available.
- g) The operator shall maintain a list of common photosensitizing agents available for inspection by consumers.

Section 795.190 Records

- a) Each time a consumer uses a tanning facility, and each time a consumer executes or renews a contract to use a tanning facility, such consumer shall be given a written statement of warning as described in Section 795.150(a) and sign a written statement acknowledging that he/she has read and has understood the warning statement. For illiterate or visually handicapped persons, the warning statement shall be read by the operator to the consumer in the presence of a witness. Both the witness and the operator shall sign the statement indicating it has been read to the consumer.
- b) Each consumer desiring to use the facility shall fill out a form specifying any and all prescription medicines and over-the-counter (non-prescription) medications the consumer is taking, and any

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- c) cosmetics and toiletries, including any tanning accelerators, he or she may have applied prior to using the tanning facility. The consumer shall certify that he or she has not used the services of a tanning facility within the immediately previous eighteen (18) hours. The form shall be kept as a confidential, permanent part of the record of the individual's attendance and progress. No information concerning a consumer's prescription and non-prescription medications as listed on the required form may be released to any person without the written consent of the consumer. Such information, however, shall be made available to the Department or an agent of the Department during the regular course of an inspection.
- d) No minor under fourteen years of age shall use a tanning device unless accompanied by a parent or legal guardian. The parent or guardian shall not be required to be in the tanning room or booth with the minor. The parent or legal guardian accompanying the person under fourteen years of age shall sign a consent form in the presence of the operator indicating that such parent or guardian has read and understood the warnings required under Section 795.150(a).
- e) A record shall be kept by the facility operator of each consumer's total number of tanning visits, dates and duration of tanning exposures and the tanning equipment used. Such records shall be kept as a permanent part of the record of the individual's attendance and progress.

Section 795.200 Injury Reports

A written report of any tanning injury shall be sent to the Department by the facility within five (5) working days of its occurrence or knowledge thereof. The report shall include:

- a) the name of the affected individual;
- b) the date of the injury;
- c) identification of the tanning equipment involved in the injury;
- d) the name, location and permit number of the tanning facility involved;
- e) the nature of the injury;
- f) the name and address of the affected individual's health care provider, if any; and
- g) any other information considered relevant to the situation.

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Section 795.210 Sanitation

- a) The operator shall provide the consumers of the tanning facility access to toilet and handwashing facilities with hot and cold running water. Such facilities shall meet the following requirements:

- 1) they shall be cleaned and disinfected at least once every 24 hours, and
 - 2) they shall contain bar, liquid or powdered hand-cleaning soap in a dispenser,
 - 3) they shall contain paper towels and a conveniently located receptacle for used paper towels, or a hand-drying device. Common towels are prohibited.
- b) Each consumer shall have access at all times to a safe and sanitary supply of drinking water.
- c) Each facility shall provide to its consumers cloth towels which may not be shared. Towels must be washed and sanitized after each use.
- d) All surfaces with which consumers have contact within tanning devices shall be disinfected after each consumer's use. Disinfection shall be carried out using a U.S.E.P.A. registered disinfectant.
- e) Each tanning device shall be capable of being ventilated so that there is a minimum of 20 cubic feet per minute (cfm) of fresh air per occupant.

- f) Floors are to be made dry prior to each individual's use.

- g) If showers are provided:

- 1) hot water shall be at a temperature between 110-130 degrees Fahrenheit (°F);
- 2) shower floors shall be constructed of a non-absorbent, non-slippery material, and sloped toward a properly installed floor drain. The use of duckboards or rubber mats in the shower is not permitted; and
- 3) shower floors and walls shall be cleaned and disinfected at least every twenty four (24) hours.

- h) The interior of the facility shall be maintained in good repair and in a safe, clean, sanitary condition, free from all accumulation of dirt and rubbish.

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- i) All equipment and fixtures in the facility, if appropriate, shall be installed in accordance with the Illinois Plumbing Code, and applicable gas fitting and electrical wiring standards, as appropriate.

- j) Dogs, cats, birds, reptiles and other pets shall not be permitted in tanning facilities. This exclusion does not apply to guide dogs or fish in aquariums.

Section 795.220 Enforcement and Penalties

- a) Any tanning facility operating without a valid permit or operating on a revoked permit shall be guilty of committing a public nuisance.
- b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under the Act is a Class 4 felony.
- c) Penalties or fines shall not exceed \$1,000.00 per day for each day the permit holder remains in violation.
- d) In addition to any other action authorized by the Act or this Part, the Department may assess fines against a tanning facility for violation of any provision of the Act or this Part. The Department shall review each inspection report according to criteria provided by this section to determine whether a fine will be assessed, the amount of such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.

- e) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed.

- 1) Whether a violation has been noted on an inspection report, and whether such violation was corrected by the facility.
- 2) Whether the facility or owner has previously been cited for a violation of the Act or rules, except that any previously cited violation shall not be considered if such violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three (3) years prior.

- 3) Whether the violation is of such a nature as to result in the possibility of injury or other harm to the

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- environment, to the owner's employees, to the building owner, users or occupants, or to the general public.
- 4) Whether the violation appears to be the result of any degree of negligence by the owner, the operator, or the owner's other employees.
 - 5) Whether the owner demonstrated good faith efforts (e.g. taking steps to correct or agreeing to correct the cited violations within a specified period of time) to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.
- f) Criteria to determine the amount of fine are the following, and all amounts determined pursuant to the criteria shall be added together to determine the total fine against the tanning facility:
- 1) For each violation related to the operation of a tanning facility without having submitted an application for a permit to operate a tanning facility, pursuant to Section 795.60: \$250.
 - 2) For each violation related to the failure to notify the Department of changes to the information specified on the permit application, pursuant to Section 795.100: \$50.
 - 3) For each violation related to the failure to maintain an equipment maintenance log, as required by Section 795.100: \$100.
 - 4) For each violation related to the failure to post warnings as required by the Act and Section 795.150(a) of this Part: \$100.
 - 5) For each violation related to tanning equipment timers which fail to operate in accordance with the manufacturer's recommended exposure limit as required by Section 795.150(b)(2): \$250.
 - 6) For each violation related to the presence of tanning equipment which fails to incorporate a manual control which allows the user to terminate radiation, as required by Section 795.150(b)(3): \$250.
 - 7) For each violation related to the presence of tanning equipment lacking physical barriers to protect consumers from injury induced by touching or breaking of the lamps, as required by Section 795.150(b)(6): \$250.

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- 8) For each violation related to the use of lamps and bulbs which are not certified for use in the equipment in which they are found to be installed as required by Section 795.150(b)(8): \$250.
 - 9) For each violation related to the absence of an adequate supply of eyewear meeting the specifications of 21 CFR 1040.20, as required by Section 795.170(a): \$250.
 - 10) For each violation related to the failure to properly sanitize eyewear in accordance with Section 795.170(c): \$100.
 - 11) For each violation related to allowing consumers to use tanning equipment without use of protective eyewear as required by Section 795.170(f): \$250.
 - 12) For each violation which in the tanning facility was operated in the absence of a trained operator as required by Section 795.180(c): \$250.
 - 13) For each violation related to the failure to maintain consumer use records as required by the Act and Section 795.190 of this Part: \$250.
 - 14) For each violation related to the failure to maintain prescription and non-prescription drug information required by Section 795.190(b) in a confidential manner: \$500.
 - 15) For each violation related to the use of tanning equipment by minors under the age of 14 without accompaniment by a parent or guardian or without a signed consent form by a parent or guardian as required by Section 795.190(d): \$250.
 - 16) For each violation in which an injury resulting from the use of the tanning equipment was not reported to the Department as required by Section 795.200: \$500.
 - 17) For each violation related to the failure to provide proper sanitation of tanning equipment or the tanning facility as required by Section 795.210: \$100.
- g) Violation of any provision of the Tanning Facility Permit Act or any provision of the rules of this Part shall be issued as the following:
- 1) First violation - the permittee shall be issued a warning letter.

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- 2) Second violation - the permittee shall be issued a fine according to Section 795.220. The repeat violation fine will be a minimum of \$250 plus a fine according to this Section.
- 3) Third violation - the permittee shall be issued a fine according to Section 795.220. The repeat violation fine will be a minimum of \$500 plus a fine according to this Section. The permittee shall be notified of the Department's intent to revoke the permit and shall be offered a hearing in accordance with Section 795.140.
- h) Each day a violation exists shall constitute a separate violation.
- i) The Department shall serve any notice of assessment of fine on the permittee in the same manner as any notice of permit revocation provided pursuant to the Act and this Part, and the permittee shall have the same rights and opportunity for hearing as elsewhere provided pursuant to the Act and this Part. In the event that the permittee does not request a hearing within the time allowed by the Act and this Part, the fine assessed shall be due in full at the expiration of time allowed to request hearing.
- j) All fine assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 et seq.), unless the permittee has within that time filed proceedings in administrative review specifically appealing the fine assessment and unless the court has stayed the enforcement of the fine assessment.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 875
- 3) Section Numbers:

875.10	New Section
875.20	New Section
875.30	New Section
875.40	New Section
875.50	New Section
875.60	New Section
875.70	New Section
875.80	New Section
- 4) Statutory Authority: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).
- 5) A Complete Description of the Subjects and Issues Involved:
As required by the Americans With Disabilities Act of 1990, these proposed rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services on the basis of disability.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Michael Wynne, General Counsel
 Department of Revenue
 101 West Jefferson Street, #5-500
 Springfield, Illinois 62794
 (217) 782-9922

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER 32: DEPARTMENT OF REVENUE

PART 875

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Applicability
875.10	Purposes
875.20	Definitions
875.30	Procedure
875.40	Designated Coordinator Level
875.50	Final Level
875.60	Accessibility
875.70	Case-by-Case Resolution
875.80	

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 875.10 Applicability

This Part applies to all offices of the Illinois Department of Revenue.

Section 875.20 Purposes

- a) The Americans With Disabilities Act Grievance Procedure (hereinafter referred to as "Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., (hereinafter referred to as "ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Department of Revenue (hereinafter referred to as "Department"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 14, 1992
- B) Types of small businesses affected: The grievance procedure set forth in this Part is not applicable to small business.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page:

NOTICE OF PROPOSED RULES

- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 875.30 Definitions

- a) "Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Department or has been subject to discrimination by the Department.
- b) "Complainant" is an individual with a disability who files a Grievance Form provided by the Department under this procedure.
- c) "Designated Coordinator" is the person appointed by the Department Director who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.
- d) "Department" means the Illinois Department of Revenue.

Section 875.40 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the Designated Coordinator, at the ADA Coordinator Level, or the complainant and panel chairperson at the Final Level.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's last response.

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- c) Upon being informed by an individual that the individual desires to file a formal grievance, the Department shall provide the individual with a copy of this procedure and the Grievance Form.

Section 875.50 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within ten (10) business days after receipt of the Grievance Form.

Section 875.60 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Director shall appoint a 3-member panel to review the grievance at the final level. One member so appointed shall be designated chairperson of the panel. The Designated Coordinator, and any representative of the Designated Coordinator who conducted the investigation at the Designated Coordinator Level, may not be a member of the panel.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. Such appearance before the panel shall be an informal meeting to discuss the matter at issue. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

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1) Heading of the Part: VOLUNTEER SERVICES

2) Code Citation: 20 Ill. Adm. Code 435

<u>Section Numbers:</u>	<u>Adopted Action:</u>
435.10	Amend
435.12	New
435.15	Amend
435.20	Amend
435.30	Amend
435.40	Amend
435.50	Amend
435.60	Amend
435.70	New

4) Statutory Authority:

5) Effective Date of Amendments: June 1, 1992

6) Does this rulemaking contain an automatic repeal date? Yes
X No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 18, 1992

9) Notice of Proposal Published in Illinois Register:

February 7, 1992 16 Ill. Reg. 1941
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The word "Application" has been changed to "Applications" in the headings for Sections 435.30 and 435.40 in the Table of Contents; and "or not" has been deleted after "whether" in Section 435.30 (c).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

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d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign such recommendation.

e) Upon receipt of recommendations from the panel, the Director shall approve, disapprove or modify the Panel recommendations, rendering a decision thereon in writing that states the basis for the decision, and cause a copy of the decision to be served on the complainant. If the Director disapproves or modifies the Panel recommendations, the Director shall in the written decision state the reasons for such disapproval or modification. The Director's decision shall be the final decision of the Department on the grievance.

f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the "State Records Act, (Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq.)", or as otherwise required by law.

Section 875.70 Accessibility

The Department shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities. The Designated Coordinator shall keep on file a copy of the ADA and its regulations for review at the Department's offices by any individual who requests to review them. The Designated Coordinator, or representative, shall be available on reasonable notice to answer questions with respect to the rights, privileges and remedies afforded by the ADA and its regulations.

Section 875.80 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainant should rely.

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- 15) Summary and Purpose of Amendments: These rules have been expanded to apply Department-wide and have been further clarified. While the Department retains the authority to require separate volunteer applications when services will be performed at more than one facility, separate applications are no longer required in each instance. This will allow greater flexibility for processing volunteer applications.

- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director
 Department of Corrections
 Address: 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 Telephone: 217/522-2666

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 435
VOLUNTEER SERVICES

Section	
435.10	Applicability
435.12	Definitions
435.15	Responsibilities
435.20	Designation of Staff Coordinator
435.30	Applications for Volunteer Service: Individuals
435.40	Applications for Volunteer Service: Groups
435.50	Placement Procedures for Approved Volunteers
435.60	Conduct of Volunteers
435.70	Termination of Volunteer Services

AUTHORITY: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2 and 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14644, effective August 1, 1984; amended at 11 Ill. Reg. 11523, effective July 1, 1987; amended at 16 Ill. Reg. 8166, effective June 1, 1992.

Section 435.10 Applicability

This Part applies to any group or individual who is seeking to provide or is providing volunteer services within the Adult, Juvenile or Community Services Divisions of the Department of Corrections (Department).

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility or the Deputy Director of any other Department facility.

"Correctional facility" means a correctional center, youth center, or community correctional center within the Department.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

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"Facility" means any correctional facility, program, or office within the Department.

"Volunteer Services Coordinator" means the staff member responsible for coordinating volunteer services for the facility.

(Source: Added at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.15 Responsibilities

- a) Unless otherwise specified, the Director, or Chief Administrative Officer, or Volunteer Services Coordinator may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, or Chief Administrative Officer, or Volunteer Services Coordinator shall personally perform the duties. However, the Director, or Chief Administrative Officer, or Volunteer Services Coordinator may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.20 Designation of Staff Coordinator

The Chief Administrative Officer of each correctional-facility which accepts volunteers shall designate a Volunteer Services Coordinator.

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.30 Applications for Volunteer Service: Individuals

- a) Applicants for volunteer service shall be required to complete an application provided by the Department and to supply references and verification of qualifications. Additional Applicants shall be subject to screening procedures, including drug testing, and selection criteria may be adopted by the facility to address security concerns or program requirements.
- b) An ex-offender shall not be accepted for volunteer service except as approved by the Chief Administrative Officer and the Director. In making their decision, the Chief Administrative Officer and the Director shall consider matters such as the ex-offender's criminal history, his behavioral history with the Department, and his any

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other prior involvement with the Department facility-or-facilities---where volunteer service is to be provided.

- c) Applicants wishing shall be required to notify each facility for which they wish to provide volunteer service to more than one facility shall--and may be required to submit separate volunteer applications to each; facility and to undergo screening and orientation by the respective facilities. The determination whether to require separate applications or screening shall be based, among other matters, on the type of program and safety and security of the facility.
- d) Criteria for selection, rejection, and retention of volunteers may vary according to program and security needs of the facility or service.

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.40 Applications for Volunteer Service: Groups

- a) Citizen groups wishing to provide volunteer service to a correctional facility or to committed persons in the community shall submit a written statement in advance, detailing: the purpose and goals of the proposed program; the intended frequency of visits to the facility or with committed persons; and, if applicable, the identity of the target group of committed persons to whom the service would be directed.

- 1) Citizen groups proposing to provide such services -to-the facility-on a continuing basis shall be required to submit a completed application for each participant and any subsequently added participants. Screening of individual members of the group shall be performed as required for individual volunteer applicants (Section 435.30).

- 2) Citizen groups proposing to provide such services on an occasional or one-time-only basis, such as church choirs, athletic teams, or visiting entertainers, shall be required to provide identify participants by name and may be required to provide the date of birth and social security number of each participant. Any member of the group who is an ex-offender must be identified. Names and other required information shall be supplied in advance of the each visitation in accordance with requirements of the facility.

- b) Citizen groups wishing to provide other volunteer services -to-a non-institutional program-or-service shall submit a written statement detailing the purpose and goals of the proposed service and

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suggested procedures for delivery of service. Screening of individual members of the group shall be performed as required for individual volunteer applicants (Section 435.30).

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.50 Placement Procedures for Approved Volunteers

This Section applies to applicants who will be providing volunteer services on a continuing basis.

a) Upon completion of the screening process, approved applicants shall be notified of their acceptance by the Volunteer Services Coordinator.

b) Prior to placement, the volunteer:

- 1) Shall be informed of and shall agree in writing to observe all applicable rules and to serve as a volunteer at the sole discretion of the Department;
- 2) Shall sign a waiver releasing the Department and its agents or employees from liability for injuries or damages which might result in connection with his the volunteer activities, except for those claims which may arise due to the willful and wanton conduct of the Department or its authorized agents or employees;

3) Shall sign a written volunteer job description; and

4) Shall receive training and orientation appropriate to the volunteer assignment as required by the facility. Written documentation, signed and dated by the volunteer, shall be maintained to verify training and orientation received.

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.60 Conduct of Volunteers

Volunteers shall conduct themselves in accordance with the rules of the Department and the facility or service.

-a) Volunteer services may be terminated; among other matters, for any infraction of a rule or failure to respond to supervision.

-b) Volunteers or volunteer groups who have been dismissed shall surrender any identification issued; and staff shall be notified of the action taken.

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-c) Any individual or volunteer group whose conduct has resulted in dismissal from one facility or service shall be restricted from participation in volunteer activities at all other facilities or services. Reinstatement of the volunteer or volunteer group shall be subject to approval of the Director.

(Source: Amended at 16 Ill. Reg. 8166, effective June 1, 1992)

Section 435.70 Termination of Volunteer Services

a) Volunteer services may be terminated at any time.

b) Volunteers or volunteer groups who have been dismissed shall surrender any form of identification issued by the Department; and staff shall be notified of the action taken.

c) Any individual or volunteer group whose conduct has resulted in dismissal from one facility shall be restricted from participation in volunteer activities at all other departmental facilities. Reinstatement of the volunteer or volunteer group shall be subject to approval of the Director.

(Source: Added at 16 Ill. Reg. 8166, effective June 1, 1992)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: Adopted Action:
2732.203 New Section
2732.220 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 315, 316, 322, 327, 610 and 611.
- 5) Effective Date of the Amendment: May 18, 1992.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: May 18, 1992.
- 9) Notice of Proposal published in Illinois Register: March 6, 1992 at 16 Ill. Reg. 3248.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
2732.305	New Section	16 Ill. Reg. 785 (January 17, 1992)

- 15) Summary and purpose of the rules: The first rule states the Department's policy that regulation or licensing requirements by another governmental entity will not result in a "per se" finding of the "direction or control" requirement of Section 212 of the Act. However, the effects of such regulation or licensing requirements shall be considered in determining the existence of "direction or control".

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

The second rule interprets certain key terms in Section 217 of the Act. This Department's rule is modelled on a similar rule proposed by the Internal Revenue Service at 51 Federal Register 619 to interpret the Federal Unemployment Tax Act.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendments begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section
2732.125

Requirement That "Four Or More" Employees Of A Nonprofit
Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section

2732.200
2732.203

Section 212 Of The Act - Services In Employment
The Effect Of Regulation By A Governmental Entity On
"Direction Or Control" Under Section 212 Of The Act
Mandatory Jury Service
Exemption From The Definition Of Employment For Direct
Sellers Of Consumer Goods

2732.210
2732.220

AUTHORITY: Implementing and authorized by Sections 205, 206, 212,
217, 1700, and 1701 of the Unemployment Insurance Act (Ill. Rev.
Stat. 1989, ch. 48, pars. 315, 316, 322, 327, 610 and 611).

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989;
amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at
15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill.
Reg. 8173, effective May 18, 1992.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.203

The Effect Of Regulation By A Governmental
Entity On "Direction Or Control" Under
Section 212 Of The Act

In determining whether direction or control exists, the Agency
shall consider the factors set forth in Section 2732.200.
Regulation or licensing of a person, organization, trade or
business by a governmental entity or use of the terms "direction"
and/or "control" in a regulatory or licensing requirement shall
not, by operation of law or "per se", constitute a showing of
"direction or control" for the purpose of Section 212 of the Act or
Section 2732.200(g).

Source: Added at 16 Ill. Reg. 8173, effective May 18, 1992

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

Section 2732.220
Exemption From The Definition Of Employment
For Direct Sellers Of Consumer Goods

a) For the purpose of applying Section 217(b) of the Act
(Ill. Rev. Stat. 1989, ch. 48, par. 327(b)), the
following terms have the meanings set forth below.

1) "Consumer product" means any tangible personal
property which is distributed in commerce and
which is normally used for personal, family or
household purposes (including any such property
intended to be attached to or installed in any
real property without regard to whether it is so
attached or installed). The term "consumer
product" does not include any product used in the
manufacture of another product to be distributed
in commerce or any product used only incidentally
in providing a service (e.g., insecticide used in
a pest control service, materials used in an
appliance repair business). Where the sale of
the consumer product includes the sale of a
service (such as installation), such installation
shall be considered incidental to the sale of the
consumer product, and, therefore, not effect the
exemption if the value of the installation is
less than 10 per cent of the cost of the total
purchase price (including installation).

2) A transaction is on a "buy-sell basis" if the
salesperson is entitled to retain part or all of
the difference between the price at which the
salesperson purchases the product and the price
at which he sells the product to the consumer as
part or all of the remuneration for the services.

3) A transaction is on a "deposit-commission basis"
if the salesperson is entitled to retain part or
all of a purchase deposit paid by the consumer in
connection with the transaction as part or all of
the salesperson's remuneration for services.

4) "Permanent retail establishment" is any retail
business operating in a structure or facility
that remains stationary for a substantial period
of time to which consumers go to purchase
consumer goods. Examples of these establishments
are grocery stores, hardware stores, clothing
stores, hotels, restaurants, drug stores and
newsstands.

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

Example: A vendor who sells consumer products in a parking lot or other property which is near to or serving a sports arena or other amusement area pursuant to an agreement which grants to the vendor or to another entity for which the vendor provides service the right to sell consumer products on such property sells consumer products in a permanent retail establishment, regardless of whether the sale is made within a permanent structure.

- b) The "written contract" requirement is not met unless the contract specifically states that the individual will not be treated as an employee for Federal tax purposes. It will not be sufficient that the contract merely state that the individual will not be treated as an employee.
- c) Services provided prior to the later of the effective date or the date of execution of the written contract shall not be exempt under Section 217(b) of the Act.
- d) The "substantially all the remuneration" requirement of Section 217(b) is satisfied if at least 90 per cent of the total remuneration, including advances and draws, received by the individual for the calendar year from that employing unit for performing such services is directly related to sales or other output rather than to the number of hours worked. Advance or draw shall not include monies which, pursuant to a binding written contract, must be repaid by the individual directly or indirectly (including by a debit against the individual's account with the employing unit).

Source: Added at 16 Ill. Reg. 8173, effective May 18, 1992)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Housing Discrimination
- 2) Code Citation: 71 Ill. Adm. Code 2300
- 3) Section Number:

2300.10	Adopted Action:
2300.30	New Section
2300.50	New Section
2300.70	New Section
2300.80	New Section
2300.90	New Section
- 4) Statutory Authority: Implementing Articles 3, 6, 7B and 8B, and authorized by Article 7, Section 7-101(A) of the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 3-101 through 3-106, 6-101, 7-101(A), 7B-101 through 7B-104, and 8B-101 through 8B-104).
- 5) Effective Date of Rule: May 19, 1992
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this rulemaking contain incorporations by reference: No
- 8) Date filed in Agency's principal office: May 19, 1992
- 9) Notice of proposal published in Illinois Register: February 14, 1992, 16 Ill. Reg. 2310
- 10) Has JCAR issued a Statement of Objection to these rules: No
- 11) Differences between proposal and final version:

In the Authority note, on lines 1 through 2, "Articles III, VI, VIIIB and VIIIB, and authorized by Article VII" has been changed to "Articles 3, 6, 7B and 8B, and authorized by Article 7". On line 2, the "s" in "section" has been capitalized and after "Section 7-101(A)", the words "of the Illinois Human Rights Act" have been added. Also, on line 3, "1989" has been changed to "1991".

In the Table of Contents, "Section 2300.80 Rental of Rooms in a Private Home" and "Section 2300.90 Real Estate Transactions" have been added.

In Section 2300.10, on the line after the Section heading, the entire line has been deleted.

In Section 2300.10, in the definition of "Act" on line 1, the quotation marks around the word "Act" have been deleted. Also, the "T" in "The" has been changed to a lower case "t". On line 2, "1989" has been changed to "1991".

In Section 2300.10, in the definition of "Aid, abet, compel or coerce", the quotation marks around "Aid, abet, compel or coerce" have been deleted. On line 2, after the word "with", the word "the" has been deleted and the words "a real estate transaction or a person's" have been added. On line 4, after the word "discrimination", but before the period, the words "or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, handicap or unfavorable discharge from the military of visitors or associates of such persons" have been added.

In Section 2300.10, in the definition of "Department", the quotation marks around the word "Department" have been deleted and "the" has been added before "Illinois".

In Section 2300.10, the definitions of "Private home" and "Real estate transaction" have been deleted.

In Section 2300.30, "a" should be inserted on the first line following "It shall not be". In Section 2300.30, on line 2, a comma has been added after "accommodation". The words beginning with "including" on line 3 through the word "institutions" (but not the period) on line 4 have been moved so that they appear after the comma added after "accommodation", and a comma has been added after "institutions". On line 3, the comma after the word "interests" has been deleted.

In Section 2300.50, on line 2, the words "after a finding of substantial evidence" have been deleted, and on line 2, the comma, after the word "evidence" has been deleted.

In Section 2300.70, on the first line, "7B and 8B" have replaced "VII B and VII B". On line 3, "6" has replaced "VI". On line 7, the word "the" has replaced "this".

Section 2300.80, with the heading "Rental of Rooms in a Private Home" has been added. It states:

"In determining whether an exemption exists under Section 3-106(C) of the Act, a housing accommodation will be

considered to be a private home if it contains living quarters occupied, or intended to be occupied, by no more than four families living independently of each other."

Section 2300.90, with the heading "Real Estate Transactions", has been added. It states:

"For purposes of determining whether a civil rights violation has occurred in a real estate transaction, activities constituting a real estate transaction shall include:

- a) THE SALE, EXCHANGE, RENTAL OR LEASE OF REAL ESTATE PROPERTY;
- b) THE BROKERING OR APPRAISING OF RESIDENTIAL REAL PROPERTY;
- c) THE MAKING OR PURCHASING OF LOANS OR PROVIDING OTHER FINANCIAL ASSISTANCE:
 - 1) FOR PURCHASING, CONSTRUCTING, IMPROVING, REPAIRING OR MAINTAINING A DWELLING; OR
 - 2) SECURED BY RESIDENTIAL REAL ESTATE (Section 3-101(B) of the Act); and
- d) Access to, membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of the rulemaking: The proposed rules define "Act", "aid, abet, compel, or coerce", and "Department". The proposed rules also describe an exemption from the Illinois Human Rights Act for rental of rooms to persons of one sex when substantial privacy interests are advanced, the dismissal procedure for

DEPARTMENT OF HUMAN RIGHTS

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refusal to accept a settlement offer, the procedure for processing certain charges of housing discrimination, the limitations upon what is considered a "private home" under the Act, and the scope of the term "real estate transactions" under the Act.

TITLE 71: PUBLIC BUILDINGS,
FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTSPART 2300
HOUSING DISCRIMINATION

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, Illinois 60601
Telephone number: 312-814-4673
T.D.D.: 312-263-1579

The full text of the Adopted Rules begins on the next page:

Section
2300.10
2300.30
2300.50
2300.70
2300.80
2300.90

Definitions
Exemptions
Dismissal for Refusal to Accept Settlement Offer
Procedures
Rental of Rooms in a Private Home
Real Estate Transactions

AUTHORITY: Implementing Articles 3, 6, 7B and 8B, and authorized by Article 7, Section 7-101(A) of the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 3-101 through 3-106, 6-101, 7-101(A), 7B-101 through 7B-104, and 8B-101 through 8B-104).

SOURCE: Adopted at 16 Ill. Reg. 8178, effective May 19, 1992.

Capitalization denotes statutory language.

Section 2300.10 Definitions

Act: the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 1-101 through 10-103).

Aid, abet, compel or coerce: includes threatening, intimidating or interfering with a real estate transaction or a person's enjoyment of a housing accommodation because of unlawful discrimination or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, handicap or unfavorable discharge from the military of visitors or associates of such persons.

Department: the Illinois Department of Human Rights.

Section 2300.30 Exemptions

It shall not be a civil rights violation to restrict rental of rooms in a housing accommodation, including housing used exclusively for dormitory facilities by educational institutions, to persons of one sex to further important privacy

interests.

Section 2300.50 Dismissal for Refusal to Accept Settlement Offer

The Department may dismiss a charge pursuant to Section 7B-103(D) of the Act if complainant voluntarily agrees in writing to such dismissal.

Section 2300.70 Procedures

Procedures set forth in Articles 7B and 8B of the Act shall be followed for the processing of any civil rights violation set out in Article 6 alleging the following, if related to housing discrimination: retaliation for opposing unlawful discrimination, filing a charge or complaint, or for testifying, assisting or participating in an investigation, proceeding or hearing under the Act; aiding, abetting, compelling or coercing a person to commit a violation of the Act; or willfully interfering with the performance of a duty or the exercise of a power by the Human Rights Commission or one of its members or representatives or by the Department or one of its officers or employees.

Section 2300.80 Rental of Rooms in a Private Home

In determining whether an exemption exists under Section 3-106(C) of the Act, a housing accommodation will be considered to be a private home if it contains living quarters occupied, or intended to be occupied, by no more than four families living independently of each other.

Section 2300.90 Real Estate Transactions

For purposes of determining whether a civil rights violation has occurred in a real estate transaction, activities constituting a real estate transaction shall include:

- a) THE SALE, EXCHANGE, RENTAL OR LEASE OF REAL PROPERTY;
- b) THE BROKERING OR APPRAISING OF RESIDENTIAL REAL PROPERTY;
- c) THE MAKING OR PURCHASING OF LOANS OR PROVIDING OTHER FINANCIAL ASSISTANCE:
 - 1) FOR PURCHASING, CONSTRUCTING, IMPROVING,

REPAIRING OR MAINTAINING A DWELLING; OR

- 2) SECURED BY RESIDENTIAL REAL ESTATE (Section 3-101(B) of the Act); and

- d) access to, membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: AIR QUALITY STANDARDS

2) The Code Citation: 35 Ill. Adm. Code 243

3) Section Number: Adopted Action:

243.108 Amended

243.120 Added

243.121 Repealed

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, par. 1027

5) Effective Date of Rule(s) (Amendments, Repealer): May 15, 1992

6) Does this rulemaking contain an automatic repeal date?:

No

If so, please specify date: _____

7) Does this rule (amendment, repealer) contain incorporation by reference? Yes, all incorporations are pursuant to Section 6.02 (a) of the Illinois Administrative Procedure Act and therefore, approval by JCAR is not required.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: April 9, 1992

9) Notice(s) of Proposal Published in Illinois Register: 16 Ill. Reg. 16, January 3, 1992

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:

No

A) Statement of Objection: _____, _____ Ill. Reg. _____

B) Agency Response: _____, _____ Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following is a list of changes made in the proposal from first notice:

Section 243.108

A sentence was added noting that the incorporations include no later editions or amendments.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

Section Numbers: Proposed Action: Ill. Reg. Citation:

15) Summary and Purpose of Rule(s): A complete description is contained in the Board's Opinion of April 9, 1992, in R91-35, which Opinion is available from the address below. This rulemaking filed, by the Illinois Environmental Protection Agency, will implement provisions of the Federal Clean Air Act. The proposal prescribes state-wide limits for emission of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (known as PM-10). These rules are a portion of the State Implementation Plan for PM-10 and the Board has certified these rules as federally required.

16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER 1: AIR QUALITY STANDARDS AND EPISODES

PART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
243.101
243.102
243.103
243.104
243.106
243.107
243.108

Definitions
Preamble
Applicability
Nondegradation
Monitoring
Reference Conditions
Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section
243.120
243.121
243.122
243.123
243.124
243.125
243.126

PM-10
Particulates (Repealed)
Sulfur Oxides (Sulfur Dioxide)
Carbon Monoxide
Nitrogen Dioxide
Ozone
Lead

243. Appendix A Rule into Section Table
243. Appendix B Section into Rule Table
243. Appendix C Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R80-11, 46 PCB 125, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

- a) High-volume sampler method, 40 CFR 50, Appendix B (1982), 36 Fed. Reg. 22398, November 25, 1971.
- ab) Pararosaniline method, 40 CFR 50, Appendix A (1982).
- be) Non-dispersive infrared spectrometry technique, 40 CFR 50, Appendix C (1982), 36 Fed. Reg. 22391, November 25, 1971.
- cd) Colorimetric method, 36 Fed. Reg. 22396, November 25, 1971.
- de) Ozone-ethylene reaction method, 40 CFR 50, Appendix D (1982), 36 Fed. Reg. 22392, November 25, 1971.
- ef) Lead, 40 CFR 50, Appendix G (1982), 43 Fed. Reg. 46258, October 5, 1978, as amended at 44 Fed. Reg. 37915, June 29, 1979; 46 Fed. Reg. 44163, September 3, 1981.
- fl) Reference method for the determination of particulate matter as PM-10 in the atmosphere, 40 CFR 50, Appendix J (1990).
- gl) Interpretation of the national ambient air quality standards for particulate matter, 40 CFR 50, Appendix K (1990).

(Source: Amended at 16 Ill. Reg. 8185, effective May 15, 1992)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM-10

- al) Standards. The ambient air quality standards for PM-10 are:

- 1) An annual arithmetic mean concentration of 50

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

micrograms per cubic meter; and

- 2) A maximum 24-hour concentration of 150 micrograms per cubic meter, not to be exceeded more than once per year.

b) Measurement Method. For determining conformance with the PM-10 ambient air quality standards, PM-10 shall be measured by the method described in 40 CFR 50, Appendix J (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the PM-10 standards are described in 40 CFR 50, Appendix K (incorporated by reference in Section 243.108).

(Source: Added at 16 Ill. Reg. 8185, effective May 15, 1992.

Section 243.121 Particulates (Repealed)

- a) Primary Standards. The primary ambient air quality standards for particulate matter are:
- 1) An annual geometric mean concentration of 75 micrograms per cubic meter; and
 - 2) A maximum 24-hour concentration not to be exceeded more than once per year of 260 micrograms per cubic meter.
- b) Secondary Standards. The secondary ambient air quality standards for particulate matter are:
- 1) An annual geometric mean concentration of 60 micrograms per cubic meter; and,
 - 2) A maximum 24-hour concentration not to be exceeded more than once per year of 150 micrograms per cubic meter.
- e) Measurement Method. For determining conformance with particulate air quality standards, particulate matter shall be measured by the high volume sampler method as described in 40 CFR 50, Appendix B (1982), 36 Fed. Reg. 22388, November 25, 1971, or by an equivalent method

POLLUTION CONTROL BOARD

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approved by the Agency.

(Source: Repealed at 16 Ill. Reg. 8185, effective May 15, 1992

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: EPISODES
- 2) The Code Citation: 35 Ill. Adm. Code 244
- 3) Section Number: Adopted Action:
 244.101 Amended
 244.106 Amended
 244.107 Amended
 244.121 Amended
 244.161 Amended
 244.162 Amended
 244.163 Amended
 244.166 Amended
 244.167 Amended
 244.168 Amended
 244.169 Amended
 244. Appendix D Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, par. 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 15, 1992

6) Does this rulemaking contain an automatic repeal date?
 No

If so, please specify date: _____

7) Does this rule (amendment, repealer) contain incorporation by reference? yes, all incorporations are pursuant to Section 6.02 (a) of the Illinois Administrative Procedure Act and therefore, approval by JCAR is not required.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: April 9, 1992

9) Notice(s) of Proposal Published in Illinois Register: 16 Ill. Reg. 22, January 3, 1992

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: No

- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to JCAR: _____

11) Difference(s) between proposal and final version: The following is a list of changes made in the rule from the first notice proposal:

244.101 The first letter in "average" was capitalized in the definition of "Level"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 244.106(b) the word "watch" was deleted in the last line
 244.107 the words "or watch" were deleted in the last line of subsection (a). In addition the words "of this Part" were added in subsection (b).
 244.161 the word "watch" was deleted from the table.
 244. Appendix D Several nonsubstantive changes were made in response to the Code Unit and JCAR requests.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

Section Numbers: Proposed Action: Ill. Reg. Citation:

15) Summary and Purpose of Rule(s):

A complete description is contained in the Board's Opinion of April 9, 1992, in R91-35, which Opinion is available from the address below. This rulemaking filed, by the Illinois Environmental Protection Agency, will implement provisions of the Federal Clean Air Act. The proposal prescribes state-wide limits for emission of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (known as PM-10). These rules are a portion of the State Implementation Plan for PM-10 and the Board has certified these rules as federally required.

16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
 100 W. Randolph Street
 State of Illinois Center
 Suite 11-500
 Chicago, IL 60601
 (312) 814-4925

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER 1: AIR QUALITY STANDARDS AND EPISODES

PART 244

EPISODES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section

244.101

Definitions

244.102

Responsibility of the Agency

244.103

Determination of Required Actions

244.104

Determination of Atmospheric Conditions

244.105

Determination of Expected Contaminant Emissions

244.106

Monitoring

244.107

Determination of Areas Affected

244.108

Failure to Comply with Episode Requirements

244.109

Sealing of Offenders

SUBPART B: LOCAL AGENCY RESPONSIBILITIES

Section

244.121

Local Agency Responsibilities

SUBPART C: EPISODE ACTION PLANS

Section

244.141

Requirement for Plans

244.142

Facilities for which Action Plans are Required

244.143

Submission of Plans

244.144

Contents of Plans

244.145

Processing Procedures

SUBPART D: EPISODE STAGES

Section

244.161

Water Advisory, Alert and Emergency Levels

244.162

Criteria for Declaring an Advisory or Water

244.163

Criteria for Declaring a Yellow Alert

244.164

Criteria for Declaring a Red Alert

244.165

Criteria for Declaring an Emergency

244.166

Criteria for Terminating Water Advisory, Alert and Emergency

244.167

Episode Stage Notification

244.168

Contents of Episode Stage Notification

244.169

Actions During Episode Stages

244. Appendix A

Rule into Section Table

244. Appendix B

Section into Rule Table

244. Appendix C

Compliance Dates

244. Appendix D

Required Emission Reduction Actions

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Rules 102 through 114, in R70-7, 1 PCB 101, filed and

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effective December 8, 1970; renumbered as Chapter 2: Air Pollution, Part IV: Episodes, in R72-6, 5 PCB 183, filed and effective August 18, 1972; amended in R80-11, 45 PCB 577, at 6 Ill. Reg. 5804, effective April 22, 1982; codified at 7 Ill. Reg. 13632; amended in R91-35 at 16 Ill. Reg. 8191, effective May 15, 1992.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 244.101 Definitions

All terms which appear in this Part have the definitions specified by this Part and 35 Ill. Adm. Code 201 and 211.

"Air Stagnation Advisory": A special bulletin issued by the National Weather Service entitled "Air Stagnation Advisory", which is used to warn air pollution control agencies that stagnant atmospheric conditions are expected which could cause increased concentrations of air contaminants near the ground.

"btu": British thermal unit.

"COH": Coefficient of Haze (per 1,000 linear feet). Particulate matter as measured by the automatic paper tape sampler method and reported as COH's. When particulate matter is recorded on a weight per unit volume basis, the conversion 1 COH equals 125 micrograms per cubic meter shall be employed.

"Episode": The period of time at a location in which an air pollution water advisory, yellow alert, red alert or emergency has been declared.

"Fleet Vehicle": Any one of three or more vehicles operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire.

"Indirect Source": Any building, facility, plant, auditorium or other structure or combination thereof, or any street, road, or highway or airport, which causes or contributes to air pollution through the attraction of mobile air pollution emission sources.

"Level": the magnitude of pollution expressed as average concentration, COH or product of an air contaminant during a specified time period.

"Low Sulfur Fuel": Any fuel containing 1.0% or less sulfur by weight.

"Parking Lots": Parking lots shall include all lots, areas, buildings or facilities or portions of lots, areas, buildings or facilities whose primary purpose is for the temporary parking of motor vehicles.

"product", the arithmetic product of the average sulfur dioxide concentration in parts per million (ppm) during a specified time period and the average particulate concentration in COH's during that same specified time period.

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(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)
Section 244.106 Monitoring

- a) Monitoring stations used to determine advisory, ~~watch~~, alert or emergency levels shall be located according to Federal guidelines for establishment of air quality surveillance networks and shall use measurement methods or equivalent methods as officially authorized by the United States Environmental Protection Agency (USEPA).
- b) Whenever any monitoring station registers air contaminant concentrations in excess of ~~watch~~ advisory or alert levels, proper operation of the sampling equipment at such stations shall be verified by the Agency or ~~least~~ any agency cooperating with the Agency before the concentrations are used to declare any advisory, ~~watch~~, alert or emergency stage.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.107 Determination of Areas Affected

- a) An advisory ~~ex-watch~~ shall be declared for the entire Illinois portion of any Air Quality Control Region if any part of such region meets the advisory ~~ex-watch~~ criteria. When atmospheric conditions and contaminant emissions in a region are such as to cause the advisory ~~ex-watch~~ criteria to be met in another region, an advisory ~~ex-watch~~ shall be declared for any Illinois portion of both regions.
- b) An alert or emergency shall be declared for only those portions of an advisory ~~ex-watch~~ area which meet the applicable criteria of Subpart D of this Part or cause such criteria to be met elsewhere in Illinois or in another state. When such criteria have been met, sectors of the advisory ~~ex-watch~~ area requiring alert or emergency actions shall be defined depending upon expected atmospheric conditions, contaminant emissions and dispersion analyses. Alerts or emergencies shall then be declared for one or more of these sectors.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

SUBPART B: LOCAL AGENCY RESPONSIBILITIES

Section 244.121 Local Agency Responsibilities

Local air pollution control agencies shall cooperate with the Agency in monitoring, surveillance and enforcement activities to the extent of their capabilities during any air pollution episode. This cooperation shall meet the following specific conditions:

- a) Operation of Monitoring Equipment. At any time other than during an episode, local agencies with real-time monitoring equipment shall operate all such monitoring equipment at a minimum level necessary to determine whether any level of air contaminants specified in this Part has been reached.
- b) Reporting Levels to Agency. Such local agencies shall report to the Agency ~~Emergency Action Center~~ within thirty (30) minutes by either telephone or telemetry when any advisory, ~~watch~~, alert or emergency

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level specified in this Part has been reached as indicated on their air monitoring equipment.

- c) Operation of Telemetry Equipment. Local agencies with air contaminant sampling networks connected by telemetry with the headquarters of the Agency shall conduct their operations in such a manner as to provide valid data to the Agency.
- d) Agency Representatives at Local Agency Control Centers. In regions where local agencies are participating with the Agency in episode control activities, one or more Agency representatives may station themselves at the control center of the local agency during an air pollution episode. The Agency representatives shall have authority to cause data to be transmitted by telephone or other rapid form of communication to Agency headquarters and after consultation with said local agency to require the initiation, alteration or termination of control strategy by persons required to take action under this Part as directed by the Director.

- e) Local Agency Episode Operations Plan. Local agencies participating with the Agency in episode control activities shall file for approval with the Agency an episode operations plan which describes procedures for obtaining and processing episode action plans, monitoring air contaminant levels during routine and episode operations, alerting the public, governmental officials, emission sources and other interested parties of episode stages, and performing surveillance and enforcement activities during episodes.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992.)

SUBPART D: EPISODE STAGES

Section 244.161 ~~Watch~~ Advisory, Alert and Emergency Levels:

Pollutant	Averaging Time	Advisory	Watch	Yellow Alert	Red Alert	Emergency
Sulfur dioxide (ppm)	2-hour 4-hour	0.30 --	0.30 0.30	-- 0.30	-- 0.35	-- 0.40
Particulate Matter (TSP)	2-hour 24-hour	420 --	500 --	-- 350	-- 420	-- 500
PM ₁₀ (ug/m ³)						
Product	2-hour	10				
Sulfur dioxide	4-hour			1.0	2.0	2.4
Particulate Matter	24-hour		0.20	0.30	1.20	
Carbon Monoxide (ppm)	2-hour 8-hour	30 --	30 --	-- 15	-- 30	-- 40
Ozone (ppm)	2-hour 1-hour	0.12 0.12		0.20	0.30	0.50

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Nitrogen	2-hour	0.40	0-49	--	--
dioxide	1-hour	--		0.60	1.20
(ppm)	24-hour	--		0.15	0.30
					0.40

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.162 Criteria for Declaring an Advisory ~~or Watch~~

The Director or his/her designated representative shall declare an air pollution ~~watch or, in the case of severe, an advisory~~ whenever:

- An air stagnation advisory is received for any area within the State; or
- Any advisory, ~~watch~~ or yellow alert level is equaled or exceeded at any monitoring station; and
- Atmospheric conditions, or expected contaminant emissions, are such that concentrations can reasonably be expected to remain at or above the ~~watch advisory~~ or yellow alert level for 24 or more hours; or
- For ozone, atmospheric conditions, or expected contaminant emissions, are such that concentrations can reasonably be expected to reoccur at any advisory, or yellow alert, level on the following calendar day.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.163 Criteria for Declaring a Yellow Alert

The Director or his/her designated representative shall declare a yellow alert whenever:

- Any yellow alert level is equaled or exceeded at any monitoring station; and
- An air pollution advisory ~~or watch~~ has been in effect for 4 hours in the area for which the yellow alert is to be declared; and
- Atmospheric conditions, or expected contaminant emissions, are such that concentrations can reasonably be expected to remain at or above the yellow alert level for 12 or more hours; or
- For ozone, atmospheric conditions, or expected contaminant emissions, are such that concentrations can reasonably be expected to reoccur at a yellow alert level on the following calendar day.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.166 Criteria for Terminating ~~Watch~~ Advisory, Alert and Emergency
The Director or his/her designated representative shall terminate any ~~watch~~ advisory, alert or emergency stage when the applicable level specified in Section 244.161 no longer prevails and when in his/her judgment atmospheric conditions and expected contaminant emissions are such as to warrant discontinuance or lowering of that ~~watch advisory~~, alert or emergency stage.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

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Section 244.167 Episode Stage Notification

Whenever an advisory, ~~a watch~~, an alert or an emergency stage is declared or terminated, the Agency or local agency designated by the Agency shall notify:

- Concerned personnel of the Agency and of federal, local and other State agencies;
- Facilities required to make preparations or take actions of major emission reducing consequence;
- The public by radio, television and other means of rapid communication.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.168 Contents of Episode Stage Notification

Notifications shall contain: time and date of issuance, the names of agencies or persons responsible for issuance and the beginning and expected ending time of any ~~watch~~ advisory, alert or emergency stage. ~~Alert and emergency notifications shall also contain details about the pollutant(s) for which notification is made, such as maximum pollutant levels reached and predicted, geographical areas affected, specific pollution-reducing instructions to the public and to direct or indirect sources of air contaminants, as well as advice to persons who may be affected by the elevated pollution levels.~~

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244.169 Actions During Episode Stages

- ~~Watch and~~ Advisory Actions. When an air pollution advisory ~~or watch~~ is in effect, the Agency and ~~local~~ other agencies designated by the Agency shall:

- Coordinate their activities and place their operational staffs in a state of increased readiness except that in the event of an ozone advisory the Agency need not monitor on a 24 hour basis.
 - Promptly verify the operation of their air monitoring instrument networks and monitor data from such instrument networks during all periods when there is reasonable likelihood of yellow alert levels occurring.
 - Evaluate atmospheric conditions and contaminant emissions data and monitor changes in such conditions and data during all periods when there is reasonable likelihood of yellow alert levels occurring.
- b) Yellow Alert, Red Alert and Emergency Actions. When a yellow alert, red alert or emergency is in effect, personnel of the Agency, local agencies designated by the Agency, direct and indirect emission sources and such other persons as are required to take actions according to this Part shall take all actions required of them in Appendix D. of this Part insofar as such actions are applicable to the declared episode stage and contaminant ~~or pollutant~~ for which the episode stage has been declared.

- Actions by local agencies designated by the Agency shall be in accordance with their episode operations plan if such plan has been approved by the Agency.

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- 2) Actions by direct or indirect sources of emissions shall be in accordance with their episode action plan if such plan has been approved by the Agency.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992)

Section 244, Appendix D Required Emission Reduction Actions¹
Sulfur Dioxide, ~~Particulate~~ PM-10, ~~Reduced~~ Nitrogen Dioxide,
and Carbon Monoxide

YELLOW ALERT

- 1) The Agency shall notify the public by radio and/or television that a Yellow Alert is in effect; that the public is required to take action in accordance with these regulations; that the public is requested to avoid the unnecessary use of automobiles and of electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.
- 2) Electric power generating stations shall effect the maximum feasible reduction of emissions by utilizing fuels which have low ash content and less than 1.0% sulfur by weight (1.5% in the case of fuel oil), provided, however, that emission from such stations shall not exceed the applicable emission standards and limitations of 35 Ill. Adm. Code 214; by limiting soot blowing and boiler lancing, where essential, to periods of maximum atmospheric turbulence; by diverting power generation to stations outside the area for which the Alert is in effect; or by any other means approved by the Agency. Such actions will be in accordance with the Yellow Alert Plan if such plan has been approved for that station.
- 3) Facilities having fuel combustion emission sources with a total rated capacity in excess of 10 million btu/hr and burning coal and/or fuel oil shall reduce emissions by utilizing fuels which have low ash content and less than 1.0% sulfur weight (1.5% in the case of fuel oil) provided, however, that emissions from such facilities shall not exceed the applicable emission standards and limitations of 35 Ill. Adm. Code 214; by limiting soot blowing and boiler lancing, where essential, to periods of high atmospheric turbulence; or by any other means approved by the Agency. If fuels of low ash and sulfur content are not available, such facilities with the exemption of residences, hospitals, and other essential facilities as designated by the Agency, shall curtail fuel burning to the maximum degree consistent with avoiding injury to persons or severe damage to property. Such actions will be in accordance with the Yellow Alert Plan if such plan has been approved for that facility.
- 4) Facilities engaged in manufacturing required to submit Yellow Alert

¹ During each stage only those actions which cause a reduction of emissions of contaminants for which such stage has been declared are required. cf. 35 Ill. Adm. Code 244.102 through 244.109, and 244.168(b).

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Plans shall curtail or defer production and allied operations to the extent necessary to avoid emissions in excess of those which would be discharged if the facility were operated in accord with the limitations prescribed by the regulations limiting emissions, insofar as such reductions can be achieved without creating injury to persons or severe damage to property.

Such reductions shall be made notwithstanding any variance or program of delayed compliance with the regulations, and shall be in accord with the Yellow Alert plan if such plan has been approved for that facility.

- 5) All open burning and all incineration except as provided below are ~~provided~~ prohibited. Certain burning of explosive or pathological wastes may be exempted from this restriction by the Agency in writing upon specific written application.

- 6) Incinerators meeting the emission standards and limitations of this Chapter may be operated only during the hours of maximum atmospheric turbulence as designated by the Agency.

RED ALERT

- 1) All actions required during the Yellow Alert shall be continued.

- 2) The Agency shall notify the public by radio and/or television that a Red Alert is in effect; that the public is required to take action in accordance with these regulations; that the public is requested to avoid the unnecessary use of automobiles and of electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.

- 3) All incineration and all open burning are prohibited. Certain burning of explosive or pathological wastes may be exempted from these restrictions by the Agency in writing upon specific written application.

- 4) Facilities engaged in manufacturing and required to submit Red Alert Plans shall curtail any production, including the generation of process steam, which emits contaminants into the atmosphere, to the greatest extent possible without causing injury to persons or severe damage to equipment. Such action shall be in accordance with the Red Alert Plan if such plan has been approved for that facility.

EMERGENCY

- 1) All actions required during the Yellow Alert and Red Alert shall be continued.

- 2) The unnecessary use of electricity, such as for decorative or amusement purposes, is prohibited.

- 3) The use of motor vehicles is prohibited except for essential uses such as police, fire, and health services, delivery of food or essential fuel, waste collection, utility or pollution control emergency repairs, and such comparable uses as may be designated by authorized Highway and Law Enforcement Officials in accordance with the Illinois Emergency Highway Traffic Regulations Plan.

- 4) All aircraft flights leaving the area of the Emergency are forbidden

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except for reasons of public health or safety as approved by the Agency in advance.

- 5) Buildings shall be maintained at heated to temperatures no greater than 65°F except for hospitals and for other buildings approved by the Agency for reasons of health or severe damage to property.

- 6) All manufacturing activities shall be curtailed to the greatest extent possible without causing injury to persons or severe damage to equipment.

- 7) All facilities or activities listed below shall immediately cease operations:

Mining and quarrying, contract construction work, and wholesale trade establishments.

Schools, except elementary schools which shall close at the end of the normal school day and not re-open until the Emergency is terminated.

Government agencies except those needed to administer air pollution alert programs and other essential agencies determined by Agency to be vital for public safety and welfare.

Retail trade stores except those dealing primarily in the sale of food or pharmacies.

Real estate agencies, insurance offices and similar business.

Laundries, cleaners and dryers, beauty and barber shops and photographic studios.

Amusement and recreational service establishments such as motion picture theaters.

Automobile repair and automobile service garages.

Advertising offices, consumer credit reporting, adjustment and collecting agencies, printing and duplicating services, rental agencies, and commercial testing laboratories.

REQUIRED EMISSION REDUCTION ACTIONS

- OZONE -

1. GENERAL

Yellow Alert - All Advisory Actions continue.

Government officials, public and submitters of Action Plans notified.

Red Alert - All Advisory and Yellow Alert actions continue.

Government officials, public, and submitters of Action Plans notified.

Emergency - All Advisory, Yellow Alert, and Red Alert actions continue. Government officials, public, and submitters of Actions Plans notified.

2. VEHICLES PARKING LOTS ROAD REPAIRS

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Yellow Alert - Public requested to avoid the unnecessary use of automobiles.

Red Alert - Fleet vehicles, other than mass transit vehicles and vehicles used for the delivery of grocery and pharmaceutical products, essential fuel, for emergency medical services and for such comparable uses as designated by the Agency, immediately curtail operations to the greatest extent possible in or into the area affected by the Red Alert and cease operations on the second calendar day of the Alert.

Parking lots for more than 200 vehicles, except for lots predominately serving residences, grocery stores, medical facilities, rail, bus and air transportation terminals, lots provided by employers primarily for employees, and comparable lots as designated by the Agency shall immediately curtail operations and close on the second calendar day of the Alert.

Road repair and maintenance not necessary for immediate safety and which, if suspended, will expedite the flow of vehicular traffic is prohibited.

Emergency - Motor vehicle operation in or into the area affected by the Emergency is prohibited except for essential uses such as police, fire, and health services, and comparable uses designated by the Illinois Emergency Highway Traffic Regulation plan. All aircraft flights leaving the area of the Emergency are forbidden except for reasons of public health or safety.

3. MANUFACTURING AND OTHER FACILITIES HAVING PROCESS EMISSION SOURCES

Yellow Alert - Facilities engaged in manufacturing review operations and Action Plans, inspect emission control devices, determine areas of delayable operations, and from such steps revise operations so as to cause greatest feasible reduction in emissions short of adversely affecting normal production.

Red Alert - All facilities with process or fuel combustion emission sources emitting a total of more than 100 tons per year or 550 pounds per operating day of organic material or of nitrogen oxides, and all other facilities not in compliance with the organic material and nitrogen oxides emissions standards of Part 2 of this Chapter, curtail all such sources to the greatest extent possible short of causing injury to persons, severe damage to equipment, or an increase in emissions.

Emergency - All operations curtailed to the greatest extent possible short of causing injury to persons or severe damage to equipment.

4. ELECTRIC POWER GENERATORS AND USERS

Yellow Alert - Electric power generating stations burning fossil fuels requested to reduce emissions in and into the affected area to the greatest extent practicable by adjusting operations system wide or by any other means approved by the Agency.

Public request to avoid unnecessary use of electricity.

Red Alert - Electric power generating stations burning fossil fuels required to take all Yellow Alert Actions and in addition discontinue

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power generation for economy sales and service to interruptable customers, and maximize purchase of available power.

Unnecessary use of electricity, such as for decorative or advertising purposes is prohibited.

Emergency - Electric power generating stations burning fossil fuel continue Yellow Alert and Red Alert actions and, in addition, effect the maximum feasible reduction of emissions by reducing voltage 2.5% system wide, purchase all available emergency power, and requesting large customers (500 kw) to reduce their electric demand or by any other means approved by the Agency.

5. OFFICES, BUILDINGS, AND OTHER COMMERCIAL AND SERVICES OPERATIONS

Yellow Alert - Public requested to limit space heating to 65°F, air conditioning to 80°F.

Red Alert - Public, industrial and commercial space heating limited to 65°F, air conditioning to 80°F except for hospitals and for other buildings approved by the Agency.

Governmental agencies except those needed to administer essential programs close.

Schools close except elementary schools, which close at the end of the normal school day and do not reopen until the Alert is terminated.

The loading of more than 250 gallons of volatile organic material into any stationary tank, railroad tankcar, tank truck, or tank trailer is prohibited except where an integral part of an industrial operation allowed during Red Alert.

Emergency - All facilities or activities listed below immediately cease operations; mining and quarrying, contract construction work, wholesale trade establishments, retail trade stores except those dealing primarily in the sale of food or pharmaceuticals, real estate agencies, insurance offices and similar businesses, laundries, cleaners and dryers, beauty and barber shops and photographic studios. Amusement and recreational service establishments such as motion picture theaters, automobile repair and automobile service garages. Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies and commercial testing laboratories.

6. REFUSE BURNERS

Yellow Alert - Governmental or commercial installations established primarily for the burning of refuse shall postpone delayable incinerations, all other incineration and all open burning prohibited.

Red Alert - All incineration prohibited.

(Source: Amended at 16 Ill. Reg. 8191, effective May 15, 1992.)

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1) The Heading of the Part: VISIBLE AND PARTICULATE MATTER EMISSIONS2) The Code Citation: 35 Ill. Adm. Code 2123) Section Number: Adopted Action:
212.113 Amended
212.424 Amended
212.443 Amended
212.445 Amended4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, par. 10275) Effective Date of Rule(s) (Amendments, Repealer): May 15, 19926) Does this rulemaking contain an automatic repeal date?
NO

If so, please specify date: _____

7) Does this rule (amendment, repealer) contain incorporation by reference? yes, all incorporations are pursuant to Section 6.02 (a) of the Illinois Administrative Procedure Act and therefore, approval by JCAR is not required.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: April 9, 19929) Notice(s) of Proposal Published in Illinois Register: 16 Ill. Reg. 41, January 3, 199210) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:
NO

A) Statement of Objection: _____, _____ Ill. Reg. _____

B) Agency Response: _____, _____ Ill. Reg. _____

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C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version: The following is a list of changes made from the first notice proposal:

- 212.113(i) was amended to include the proper citation and edition of the incorporation.
 212.424 nonsubstantive amendments were made in response to the Code Unit and JCAR.
 212.443 was amended to include the proper citation and edition of the incorporation in subsection (h)(3). In addition, nonsubstantive amendments were made in response to the Code Unit and JCAR.
 212.445 nonsubstantive amendments were made in response to the Code Unit and JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes

- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
212.205	amend	15 Ill.Reg. 791 (Jan. 25, 1991)
212.424	amend	16 Ill.Reg. 41 (Jan. 3, 1992)

- 15) Summary and Purpose of Rule(s):

A complete description is contained in the Board's Opinion of April 9, 1992, in R91-35, which Opinion is available from the address below. This rulemaking filed, by the Illinois Environmental Protection Agency, will implement provisions of the Federal Clean Air Act. The proposal prescribes state-wide limits for emission of particulate matter with an aerodynamic diameter less than or equal to a nominal 10

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micrometers (known as PM-10). These rules are a portion of the State Implementation Plan for PM-10 and the Board has certified these rules as federally required.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
 100 W. Randolph Street
 State of Illinois Center
 Suite 11-500
 Chicago, IL 60601
 (312) 814-4925

The full text of the adopted rule(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 212 VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section	
212.100	Scope and Organization
212.107	Measurement Method for Visible Emissions
212.108	Measurement Methods for PM-10 Emissions
212.109	Measurement Methods for Opacity
212.110	Measurement Methods For Particulate Matter
212.111	Abbreviations and Units
212.112	Definitions
212.113	Incorporations by Reference

SUBPART B: VISIBLE EMISSIONS

Section	
212.121	Opacity Standards
212.122	Limitations for Certain New Sources
212.123	Limitations for All Other Sources
212.124	Exceptions
212.125	Determination of Violations
212.126	Adjusted Opacity Standards Procedures

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section	
212.181	Limitations for Incinerators
212.182	Aqueous Waste Incinerators
212.183	Certain Wood Waste Incinerators
212.184	Explosive Waste Incinerators
212.185	Continuous Automatic Stoking Animal Pathological Waste Incinerators

SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION EMISSION SOURCES

Section

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212.201	Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area
212.202	Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area
212.203	Existing Controlled Sources Using Solid Fuel Exclusively
212.204	New Sources Using Solid Fuel Exclusively
212.205	Existing Coal-fired Industrial Boilers Equipped with Flue Gas Desulfurization Systems
212.206	Sources Using Liquid Fuel Exclusively
212.207	Sources Using More Than One Type of Fuel
212.208	Aggregation of Existing Sources
212.209	Village of Winnetka Generating Station
212.210	Emissions Limitations For Certain Fuel Combustion Emission Sources Located in the Vicinity of Granite City

SUBPART K: FUGITIVE PARTICULATE MATTER

Section	
212.301	Fugitive Particulate Matter
212.302	Geographical Areas of Application
212.304	Storage Piles
212.305	Conveyor Loading Operations
212.306	Traffic Areas
212.307	Materials Collected by Pollution Control Equipment
212.308	Spraying or Choke-Feeding Required
212.309	Operating Program
212.310	Minimum Operating Program
212.312	Amendment to Operating Program
212.313	Emission Standard for Particulate Collection Equipment
212.314	Exception for Excess Wind Speed
212.315	Covering for Vehicles
212.316	Emission Limitations for Sources in Certain Areas

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION SOURCES

Section	
212.321	New Process Sources
212.322	Existing Process Sources
212.323	Stock Piles
212.324	Process Emission Sources in Certain Areas

SUBPART N: FOOD MANUFACTURING

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Section
212.361
212.362

Corn Wet Milling Processes
Sources in Certain Areas

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND
CHEMICAL MANUFACTURING

Section
212.381

Catalyst Regenerators of Fluidized Catalytic Converters

SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

Section
212.421
212.422
212.423

New Portland Cement Processes
Portland Cement Manufacturing Processes
Emission Limits for the Portland Cement Manufacturing
Plant Located in LaSalle County, South of the Illinois
River

212.424 Fugitive Particulate Matter Control for the Portland
Cement Manufacturing Plant and Associated Quarry
Operations Located in LaSalle County, South of the
Illinois River

212.425 Sources in Certain Areas

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND
MACHINERY MANUFACTURE

Section
212.441
212.442
212.443

Steel Manufacturing Processes
Beehive Coke Ovens

By-product Coke Plants

Sinter Processes

Blast Furnace Cast Houses

Basic Oxygen Furnaces

Hot Metal Desulfurization Not Located in the BOF

Electric Arc Furnaces

Argon-Oxygen Decarburization Vessels

Liquid Steel Charging

Hot Scarfing Machines

Measurement Methods

Highlines on Steel Mills

Certain Small Foundries

Certain Small Iron-melting Air Furnaces

Sources in Certain Areas

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SUBPART S: AGRICULTURE

Section
212.461
212.462
212.463
212.464

Grain Handling and Drying in General
Grain Handling Operations
Grain Drying Operations
Sources in Certain Areas

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section
212.681

Grinding, Woodworking, Sandblasting and Shotblasting

212.Appendix A

Rule into Section Table

212.Appendix B

Section into Rule Table

212.Appendix C

Past Compliance Dates

212.Illustration A:

Allowable Emissions from Solid Fuel

Combustion Emission Sources Outside Chicago

212.Illustration B:

Limitations for all New Process Emission

Sources

212.Illustration C: Limitations for all Existing Process Emission

Sources

212.Illustration D:

McCook Vicinity Map

212.Illustration E:

Lake Calumet Vicinity Map

212.Illustration F:

Granite City Vicinity Map

AUTHORITY: Implementing Section 10 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch.
111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203:
Visual and Particulate Emission Standards and Limitations,
R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in
R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February
3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p.
184, effective September 28, 1979; amended in R78-11, 35 PCB 505,
at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in
R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4,
1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590,
effective October 19, 1981; codified at 7 Ill. Reg. 13591;
amended in R82-1 (Docket A), 10 Ill. Reg. 12637, effective July
9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective
October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective
December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410,
effective December 30, 1986; amended in R82-1 (Docket B) at 12

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Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15
Ill. Reg. 15708, effective October 14, 1991; amended in R89-7(B)
at 15 Ill. Reg. 17710, effective November 26, 1991; amended in
R91-22 at 16 Ill. Reg. 7880, effective
May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204
, effective May 15, 1992.

SUBPART A: GENERAL

Section 212.113 Incorporations by Reference

The following materials are incorporated by reference. These
incorporations do not include any later amendments or editions.

- a) Ringelmann Chart, Information Circular 833 (Revision of
IC7718), Bureau of Mines, U.S. Department of Interior,
May 1, 1967.
- b) 40 CFR 60, Appendix A (~~1990~~) (1991):
 - 1) Method 1: Sample and Velocity Traverses for
Stationary Sources;
 - 2) Method 1A: Sample and Velocity Traverses for
Stationary Sources with Small Stacks or Ducts;
 - 3) Method 2: Determination of Stack Gas Velocity and
Volumetric Flow Rate (Type S pitot tube);
 - 4) Method 2A: Direct Measurement of Gas Volume
Through Pipes and Small Ducts;
 - 5) Method 2C: Determination of Stack Gas Velocity
and Volumetric Flow Rate in Small Stacks or Ducts
(Standard Pitot Tube);
 - 6) Method 2D: Measurement of Gas Volumetric Flow
Rates in Small Pipes and Ducts;
 - 7) Method 3: Gas Analysis for Carbon Dioxide,
Oxygen, Excess Air, and Dry Molecular Weight;

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- 8) Method 4: Determination of Moisture Content in
Stack Gases;
- 9) Method 5: Determination of Particulate Emissions
From Stationary Sources;
- 10) Method 5A: Determination of Particulate Emissions
From the Asphalt Processing and Asphalt Roofing
Industry;
- 11) Method 5D: Determination of Particulate Matter
Emissions From Positive Pressure Fabric Filters;
- 12) Method 5E: Determination of Particulate Emissions
From the Wool Fiberglass Insulation Manufacturing
Industry;
- 13) Method 9: Visual Determination of the Opacity of
Emissions from Stationary Sources;
- 14) Method 22: Visual Determination of Fugitive
Emissions from Material Sources and Smoke
Emissions from Flares.
 - c) 40 CFR 51 Appendix M (1990):
 - 1) Method 201: Determination of PM-10 Emissions;
 - 2) Method 201A: Determination of PM-10 Emissions
(Constant Sampling Rate Procedure).
 - d) 40 CFR 60.672(b), (c), (d) and (e) (~~1990~~) (1991).
 - e) 40 CFR 60.675(c) and (d) (~~1990~~) (1991).
 - f) ASAE Standard 248.2, Section 9, Basis for Stating
Drying Capacity of Batch and Continuous-Flow Grain
Dryers, American Society of Agricultural Engineers,
2950 Niles Road, St. Joseph, MI 49085.
 - g) U.S. Sieve Series, ASTM-E11, American Society of
Testing Materials, 1916 Race Street, Philadelphia, PA
19103.
 - h) 55 FR 41546, (October 12, 1990), Method 202:

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Determination of Condensible Particulate Emissions from Stationary Sources.

- i) Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filtrable Residue Dried at 103 - 105°C," 15th Edition, 1980, American Public Health Association 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

(Source: Amended at 16 Ill. Reg. 820.4 effective May 15, 1992)

SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

Section 212.424

Fugitive Particulate Matter Control for the Portland Cement Manufacturing Plant and Associated Quarry Operations Located in LaSalle County, South of the Illinois River.

- a) Applicability. This Section shall apply to the portland cement manufacturing plant in operation before September 1, 1990 and associated quarry operations located in LaSalle County, south of the Illinois River. Associated quarry operations are those operations involving the removal and disposal of overburden, and the extraction, crushing, sizing, and transport of limestone and shale for usage at the Portland cement manufacturing plant. This Section shall not become effective until April 30, 1992.

- b) Applicability of Subpart K of this Part. This Section shall not alter the applicability of Subpart K: Fugitive Particulate Matter.

- c) Fugitive Particulate Matter Control Measures For Roadways at the Plant.

- 1) For the unpaved access roadway to the Illinois Central Silos Loadout, the owner or operator shall spray a 30 percent solution of calcium chloride once every 16 weeks at an application rate of at least 1.58 liters per square meter (0.35 gallons per square yard) followed by weekly application of water at a rate of at least 1.58 liters per square meter (0.35 gallons per square yard). This

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subsection shall not apply after the roadway is paved.

- 2) The owner or operator of the Portland cement manufacturing plant shall keep written records in accordance with subsection (e) of this Section.

- d) Fugitive Particulate Matter Control Measures for Associated Quarry Operations.

- 1) For the primary crusher, the primary screen, the #3 conveyor from the primary screen to the surge pile, and the surge pile feeders to the #4 conveyor, the owner or operator shall spray a chemical foam spray of at least 1 percent solution of chemical foaming agent in water continuously during operations at a rate of at least 1.25 liters per megagram (0.30 gallons per ton) of rock processed.

- 2) The owner or operator shall water all roadways traveled by trucks to and from the primary crusher in the process of transporting raw limestone and shale to the crusher at an application rate of at least 0.50 liters per square meter (0.10 gallons per square yard) applied once every eight hours of operation except under conditions specified in subsection (d)(3) below. Watering shall begin within one hour of commencement of truck traffic each day.

- 3) Subsection (d)(2) above shall be followed at all times except under the following circumstances:

- A) Precipitation is occurring such that there are no visible emissions or if precipitation occurred during the previous 2 hours such that there are no visible emissions;
- B) If the ambient temperature is less than or equal to 0°C (32°F); or
- C) If ice or snow build-up has occurred on roadways such that there are no visible emissions.

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- 4) The owner or operator of the associated quarry operations shall keep written records in accordance with subsection (e) of this Section.
- e) Recordkeeping and Reporting
- 1) The owner or operator of any portland cement manufacturing plant and/or associated quarry operations subject to this Section shall keep written daily records relating to the application of each of the fugitive particulate matter control measures required by this Section.
 - 2) The records required under this Section shall include at least the following:
 - A) the name and address of the plant;
 - B) the name and address of the owner or operator of the plant and associated quarry operations;
 - C) a map or diagram showing the location of all fugitive particulate matter sources controlled including the location, identification, length, and width of roadways;
 - D) for each application of water or calcium chloride solution, the name and location of the roadway controlled, the water capacity of each truck, application rate of each truck, frequency of each application, width of each application, start and stop time of each application, identification of each water truck used, total quantity of water or calcium chloride used for each application, including the concentration of calcium chloride used for each application;
 - E) for application of chemical foam spray solution, the application rate and frequency of application, name of foaming agent, and total quantity of solution used each day;

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- F) name and designation of the person applying control measures; and
- G) a log recording all failures to use control measures required by this Section with a statement explaining the reasons for each failure and, in the case of a failure to comply with the roadway watering requirements of subsection (d)(2) of this Section, a record showing that one of the circumstances for exceptions listed in subsection (d)(3) of this Section existed during the period of the failure. Such record shall include, for example, the periods of time when the measured temperature was less than or equal to 0°C (32°F).
- 3) Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days of a written request by the Agency.
 - 4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.
 - 5) A quarterly report shall be submitted to the Agency stating the following: the dates required control measures were not implemented, the required control measures, the reasons that the control measures were not implemented, and the corrective actions taken. This report shall include those times when subsection (e) of this Section is involved. This report shall be submitted to the Agency 30 calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

(Source: Amended at 16 Ill. Reg. 8204, effective May 15, 1992)

SUBPART R: PRIMARY AND FABRICATED METAL
PRODUCTS AND MACHINERY MANUFACTURE

Section 212.443 By-Product Coke Plants

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a) Subpart B shall not apply to ~~by-product~~ coke plants.

b) Charging:

1) Uncaptured Emissions

A) No person shall cause or allow the emission of visible particulate matter from any coke oven charging operation, from the introduction of coal into the first charge port, as indicated by the first mechanical movement of the coal feeding mechanism on the larry car, to the replacement of the final charge port lid for more than a total of 125 seconds over 5 consecutive charges; provided however that 1 charge out of any 20 consecutive charges may be deemed an uncountable charge at the option of the operator.

B) Compliance with the limitation set forth in subsection (A) above shall be determined in the following manner:

i) Observation of charging emissions shall be made from any point or points on the top side of a coke oven battery from which a qualified observer can obtain an unobstructed view of the charging operation.

ii) The qualified observer shall time the visible emissions with a stopwatch while observing the charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission point shall be timed and recorded as one

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emission and shall not be added individually to the total time.

iii) The qualified observer shall determine and record the total number of seconds that charging emissions are visible during the charging of coal to the coke oven.

iv) For each charge observed, the qualified observer shall record the total number of seconds of visible emissions, the clock time for the initiation and completion of the charging operation and the battery identification and oven number.

v) The qualified observer shall not record any emissions observed after all charging port lids have been firmly seated following removal of the larry car, such as emissions occurring when a lid has been temporarily removed to permit spilled coal to be swept into the oven.

vi) In the event that observations from a charge are interrupted the data from the charge shall be invalidated and the qualified observer shall note on his/her observation sheet the reason for invalidating the data. The qualified observer shall then resume observation of the next consecutive charge or charges and continue until a set of five charges has been recorded. Charges immediately preceding and following interrupted observations shall be considered consecutive.

2) Emissions from Control Equipment

A) Emissions of particulate matter from control equipment used to capture emissions during charging shall not exceed 0.046 gm/dscm

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(0.020 gr/dscf). Compliance shall be determined in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5 as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411) as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER (THE ENVIRONMENTAL PROTECTION ACT). (ILL. REV. STAT. 1991, CH. 111-1/2, PAR. 1009.1(b)).

B) The opacity of emissions from control equipment shall not exceed an average of 20%, averaging the total number of readings taken. Opacity readings shall be taken at 15-second intervals from the introduction of coal into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car to the replacement of the final charge port lid. Compliance, except for the number of readings required, shall be determined in accordance with 40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER (THE ENVIRONMENTAL PROTECTION ACT). ~~(ILL. REV. STAT., CH. 111-1/2, PAR. 1009.1(b))~~ Section 9.1(b) of the Act.

C) Opacity readings of emissions from control equipment shall be taken concurrently with observations of fugitive particulate matter. Two qualified observers shall be required.

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3) Qualified observers referenced in subsection (b) of this Section shall be certified pursuant to 40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER (THE ENVIRONMENTAL PROTECTION ACT). ~~(ILL. REV. STAT., CH. 111-1/2, PAR. 1009.1(b))~~ Section 9.1(b) of the Act.

c) Pushing:

1) Uncaptured Emissions

A) Emissions of fugitive particulate matter from pushing operations shall not exceed an average of 20% opacity for 4 consecutive pushes considering the highest average of six consecutive readings in each push. Opacity readings shall be taken at 15-second intervals, beginning from the time the coke falls into the receiving car or is first visible as it emerges from the coke guide whichever occurs earlier, until the receiving car enters the quench tower or quenching device. For a push of less than 90 seconds duration, the actual number of 15-second readings shall be averaged.

B) Opacity readings shall be taken by a qualified observer located in a position where the oven being pushed, the coke receiving car and the path to the quench tower are visible. The opacity shall be read as the emissions rise and clear the top of the coke battery gas mains. The qualified observer shall record opacity readings of emissions originating at the receiving car and associated equipment and the coke oven, including the standpipe on the coke side of the oven being pushed. Opacity readings

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shall be taken in accordance with the procedures set forth in 40 CFR 60, Appendix A, Method 9, except that Section 2.5 for data reduction shall not be used. The qualified observer referenced in this subsection shall be certified pursuant to 40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. ~~(ILL. REV. STAT., CH. 111-1/2, PAR. 1009.1(b))~~ Section 9.1(b).

2) Emissions from Control Equipment

A) The particulate emissions from control equipment used to control emissions during pushing operations shall not exceed 0.040 pounds per ton of coke pushed. Compliance shall be determined in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. ~~(ILL. REV. STAT., CH. 111-1/2, PAR. 1009.1(b))~~ Section 9.1(b) of the Act. Compliance shall be based on an arithmetic average of three runs (stack tests) and the calculations shall be based on the duration of a push as defined in subsection (c)(1)(A) of this Section.

B) The opacity of emissions from control

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equipment used to control emissions during pushing operations shall not exceed 20%. For a push of less than six minutes duration, the actual number of 15-second readings taken shall be averaged. Compliance shall be determined in accordance with 40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 212.113. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT . . . RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES . . . ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. ~~(ILL. REV. STAT., CH. 111-1/2, PAR. 1009.1(b))~~ Section 9.1(b) of the Act. Section 2.5 of 40 CFR 60, Appendix A, Method 9 for data reduction shall not be used for pushes of less than six minutes duration.

d) Coke Oven Doors:

1) No person shall cause or allow visible emissions from more than 10% of all coke oven doors at any time. Compliance shall be determined by a one pass observation of all coke oven doors on any one battery.

2) No person shall cause or allow the operation of a coke oven unless there is on the plant premises at all times an adequate inventory of spare coke oven doors and seals and unless there is a readily available coke oven door repair facility.

e) Coke Oven Lids: No person shall cause or allow visible emission from more than 5% of all coke oven lids at any time. Compliance shall be determined by a one pass observation of all coke oven lids.

f) Coke Oven Offtake Piping: No person shall cause or allow visible emissions from more than 10% of all coke oven offtake piping at any time. Compliance shall be determined by a one pass observation of all coke oven

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offtake piping.

- g) Coke Oven Combustion Stack: No person shall cause or allow the emission of particulate matter from a coke oven combustion stack to exceed 110 mg/dscm (0.05 gr/dscf).

h) Quenching

- 1) All coke oven quench towers shall be equipped with grit arrestors or equipment of comparable effectiveness. Baffles shall cover 95% or more of the cross sectional area of the exhaust vent or stack and must be maintained. The quench make-up water shall not directly include untreated coke by-product plant effluent. All water placed on the coke being quenched shall be quench water.

- 2) Total dissolved solids concentrations in the quench make-up water shall not exceed a weekly average of 1200 mg/l. ~~Provided however that the limitations on the quality of quench make-up water shall not apply where the operator employs an equivalent method of control as determined by the Agency.~~

- 3) The quench water shall be sampled for total dissolved solids concentrations in accordance with the methods specified in Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filtrable Residue Dried at 103 - 105°C" 15th Edition, 1980, incorporated by reference in Section 212.113. Analyses shall be performed on grab samples of the quench water as applied to the coke. Samples shall be collected a minimum of five days per week per quench tower and analyzed to report a weekly concentration. The samples for each week shall be analyzed either:

- i) separately, with the average of the individual daily concentrations determined; or
 ii) as one composite sample, with equal volumes of the individual daily samples combined to

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form the composite sample.

- 4) The records required under this subsection shall be kept and maintained for at least three (3) years and upon prior notice shall be available for inspection and copying by Agency representatives during work hours.

- i) Work Rules: No person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the Agency.

(Source: Amended at 16 Ill. Reg. 8204, effective May 15, 1992.)
 Section 212.445 Blast Furnace Cast Houses

a) Uncaptured Emissions

- 1) Emissions of fugitive particulate matter from any opening in a blast furnace cast house shall not exceed 20% opacity on a 6-minute rolling average basis beginning from initiation of the opening of the tap hole up to the point where the iron and slag stops flowing in the trough.

- 2) Opacity readings shall be taken in accordance with the observation procedures set out in 40 CFR Part 60, Appendix A, Method 9, (1991), incorporated by reference in Section 212.113.

b) Emissions from Control Equipment

- 1) Particulate emissions from control equipment used to collect any of the emissions from the tap hole, trough, iron or slag runners or iron or slag spouts shall not exceed 0.023 g/dscm (0.010 gr/dscf). Compliance shall be determined in accordance with the procedures set out in 40 CFR 60, Appendix A, Methods 1-5 (1991), incorporated by reference in Section 212.113, and shall be based on the arithmetic average of three runs. Calculations shall be based on the duration of a cast defined in subsection (a)(1) above.

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2) The opacity of emissions from control equipment used to collect any of the emissions from the tap hole, trough, iron or slag runners or iron or slag spouts shall not exceed 10% on a 6-minute rolling average basis. Opacity readings shall be taken in accordance with the observation procedures set out in 40 CFR Part 60, Appendix A, Method 9, (1991), incorporated by reference in Section 212.113.

a) Particulate matter emissions from the blast furnace casting operation into the ambient air shall not exceed the allowable emission rate specified in Section 212.321, calculated and measured as follows:

1) For purposes of this rule, the casting operation for each furnace shall be considered as a separate operation and the process weight (wpu) in the calculation shall be the total weight of the iron and slag entering the cast house during the casting operation.

2) Measurement method.

A) Application. This test procedure shall be used to determine compliance with this subsection (a), Blast Furnace Cast Houses, if the United States Environmental Protection Agency (USEPA) adopts a test procedure to sample particulate emissions from blast furnace cast houses, that test procedure may be substituted for the one specified in this paragraph upon publication in the Federal Register.

B) Measurement Equipment for this Test procedure. The measurement equipment used for this test procedure shall consist of the following:

i) High Volume Air Samplers with 0.3 micron glass fiber filters shall be used for the determination of cast house particulate emission concentrations.

ii) Velocity measurements shall be

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determined by the use of a suitable instrument designed for the accurate determination of velocities within the range encountered during the sampling duration.

iii) Temperature measurements shall be determined by the use of a suitable instrument designed for the accurate determination of temperature within the range encountered during the sampling duration.

c) Test procedure.

i) Sampling Time Duration: Sampling and opacity observations will initiate with the opening of the tap hole and terminate with the plugging of the tap hole.

ii) Opacity Observations: Opacity observations of the cast house roof monitor particulate emissions into the atmosphere shall be performed during the test runs by use of the USEPA Method 9 Procedure (40 CFR 60, Appendix A, Method 9, 42 Fed. Reg. 41754 (August 18, 1977)).

iii) Number of Test Runs: The average of six complete sampling runs during normal operating conditions will be the minimum required to determine compliance with this subsection (a).

iv) Sampled Emission: During the test period, particulate emissions from the casting operation shall be directed into the cast house to the extent feasible and shall not create an unsafe or hazardous condition. These emissions in and/or directed to the cast house shall be allowed to escape only at sampling area locations. Compliance with this

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requirement shall be determined by an agency-certified observer, and any significant visible emission from the east house any place other than a sampling location will invalidate the test.

v) ~~Sampler Locations: Samplers shall be located as close as practicable to the discharge point of the east house emissions to the atmosphere and shall be oriented in the direction of the air flow. The sampler grid pattern shall be divided up such that the cross-sectional area per sampler shall not exceed 9.29 square meters (100 square feet). If necessary to insure representative samples, the Agency may specify an area of less than 9.29 square meters (100 square feet). Each sampler shall be located at the approximate center of each sampling area. The concentration of particulate matter as determined by each sampler shall be considered as the concentration for each respective area.~~

vi) ~~Velocity Measurement Locations: Velocity measurements shall be made as close as possible to each sampling point location without interfering with the measurement. The average velocity measured at each sampling point for the entire sample run shall be used as the average velocity for each entire sampler area respectively.~~

vii) ~~Temperature Measurement Locations: The same as velocity measurement locations.~~

viii) ~~Emission Exhaust Pressure Measurements: This pressure shall be considered the barometric pressure as measured at the east house floor.~~

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ix) ~~Recording of Operating Parameters: The following information shall be recorded for those casts tested: material charge weights to the blast furnace for the operating turn during which east house tests are performed; east weights, total weight of iron plus slag entering the east house during each casting operation sampled; all information contained in blast furnace casting logs or other similar records, size of the tap hole drill bit used for each cast and the length of the tap hole for each previous cast.~~

B) ~~Calculations: Mass Emission Rate (lbs/hr): The mass emission rate (lbs/hr) for each test run shall consist of the sum of the mass emissions as determined per each sample area. Should the sample time duration be greater than one hour, the ratio calculated for one hour divided by the sample time duration (hours) shall be multiplied by the sum of the mass emissions to obtain the pounds per hour rate.~~

b) ~~Provided, however, that subsection (a) above shall not apply at the option of the operator if the operator has installed and is operating and maintaining collection equipment designed to collect a minimum of fifty percent (50%) of particulate matter emissions from the tap hole, the trough to the skimmers and the iron spouts. Such emissions shall be evacuated to pollution control equipment. Emissions from said pollution control equipment shall not exceed 46 mg/dscm (0.02 gr/dscf).~~

(Source: Amended at 16 Ill. Reg. 8204, effective May 15, 1992.)

ILLINOIS RACING BOARD

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: General Racing and Track Rules

2) Code Citation 11 Ill. Adm. Code 1314

3) Section Number: 1314.10
Adopted Action: Repealed

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)

5) Effective Date of Rule: May 19, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: May 19, 1992

9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 2433, February 14, 1992

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Differences between proposal and final version: In the Authority section, the citation for the Illinois Revised Statutes was changed from 1989 to 1991 as required by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No.

15) Summary and purpose of rules: This repeal eliminates a duplicate rule. The number of races allowed per day appears in 11 Ill. Adm. Code 405.90.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1314

GENERAL RACING AND TRACK RULES

Section	Number of Races (Repealed)
1314.10	Extra Races
1314.20	Postponement of Races
1314.30	Postponement Procedure
1314.40	Post Time
1314.50	Head Numbers
1314.60	License Display
1314.70	Bonafide Contests
1314.80	Payment Default
1314.90	Liability for Promoters
1314.110	Bad Checks
1314.120	Advertised Purse
1314.130	Advertising and Awards
1314.140	Allocation of Stalls
1314.150	Paddock and Receiving Barn
1314.160	Photofinish and Starting Gate
1314.170	Driver Insurance
1314.180	Interference with Officials
1314.190	Film Recordings
1314.200	Penalty for Violation of Rules
1314.210	Stall Availability
1314.220	Limitation on Purse Reductions
1314.230	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended at August 8, 1973; added March 15, 1974, filed March 22, 1974; amended April 11, 1974, filed and effective April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10939; amended at 16 Ill. Reg. 8229, effective May 19, 1992.

Section 1314.10 Number of Races (Repealed)

- a) No--race--track-operator--shall hold or run off in any one program more than a total of 10 races.
- b) If eight races are programmed, four completed races constitute a completed program; if nine races are programmed, five completed races

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

~~constitute a completed program, and if 10 races are programmed, six completed races constitute a completed program.~~

(Source: Repealed at 16 Ill. Reg. 8229, effective May 19, 1992)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pari-Mutuels
- 2) Code Citation 11 Ill. Adm. Code 405
- 3) Section Number: 405.90
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: May 19, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: May 19, 1992
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 2436, February 14, 1992
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: In the Authority section, the citation for the Illinois Revised Statutes was changed from 1989 to 1991 as required by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This amendment will allow organization licensees to card 11 races per day for harness and 10 race per day for thoroughbred.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405

PARI-MUTUELS

Section	
405.10	State Director of Mutuels
405.20	Duties of the State Director of Mutuels
405.30	Mutuel Department Operations
405.40	Mutuel Employees
405.50	Totalizator (Repealed)
405.55	No Wagering After Start
405.60	Odds Board Control (Repealed)
405.70	Odds Board Update (Repealed)
405.80	Records of All Calculations
405.90	Number of Pari-Mutuel Races
405.100	Ticket Windows
405.110	Sale of Pari-Mutuel Tickets
405.120	Minimum Ticket Price
405.130	Minimum Pay-Off -- Minus Pools -- Surcharges
405.140	Payments
405.150	Report Scratches
405.160	Number of Pools
405.170	Multiple Wagering Pools (Repealed)
405.180	Failure of Starting Gate
405.190	Horses Scratched
405.200	"Official" Sign Final
405.210	Minors Barred
405.220	Lost Tickets
405.230	Mutilated or Altered Tickets
405.240	Information Window
405.250	System Failure

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days, amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. 11310, effective July 3, 1990; amended at 14 Ill. Reg. 17646, effective October 16, 1990; amended at 15 Ill. Reg. 591, effective January 3, 1991; amended at 15 Ill. Reg. 2733, effective February 5, 1991; amended at 15 Ill. Reg. 13933, effective September 5, 1991; amended at 16 Ill. Reg. 8232, effective May 19, 1992.

ILLINOIS RACING BOARD

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Section 405.90 Number of Pari-Mutuel Races

a) For the purpose of pari-mutuel wagering, all races are considered separate and distinct.

1) Harness: Wagering shall be prohibited on more than 10 ll harness races during the course of a single racing program, unless special permission is granted by the Board. However, this rule shall not apply during a racing meet of 7 or fewer days.

2) Thoroughbred: Wagering shall be prohibited on more than 9 10 thoroughbred races during the course of a single racing program. However, at every thoroughbred meeting in southern Illinois, the organization licensee shall run ten races during each program on the first day of each week on Fridays, Saturdays, and Sundays, and holidays upon which racing is conducted.

b) Organization licensees may request wagering on additional races. In acting on such requests, the Board shall consider the effect of extra races on state revenue and on track and state employees, and shall consider the availability of horses.

(Source: Amended at 16 Ill. Reg. 8232, effective May 19, 1992)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical, Psychological, and Related Services
- 2) Code Citation: 89 Ill. Adm. Code 587
- 3) Section Numbers: Adopted Action:
587.70 Amendments
- 4) Statutory Authority: Implementing and authorized by the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434 (a),(b), and (k)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 18, 1992
- 6) Does this rulemaking contain an automatic repeal date?
___ Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 13, 1992
- 9) Notice of Proposal Published in Illinois Register:
December 20, 1991, 15 Ill. Reg. 18110
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg. _____
(issue date)

B) Agency Response: _____, Ill. Reg. _____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: No changes were made

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): To clarify DORS' policy on providing medication to clients.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D./T.T.: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 587
 MEDICAL, PSYCHOLOGICAL, AND RELATED SERVICES

Section	General Applicability
587.10	Criteria for Medical Services
587.20	Exclusion from Medical Services
587.30	Written Recommendations from Physicians
587.40	Medical Service Providers
587.50	Treatment for Acute Conditions
587.60	Medication
587.70	Ear Examinations (Repealed)
587.100	Payment for Hearing Aids
587.105	Medical Evaluations
587.106	Hearing Evaluations
587.107	Hearing Aid Evaluations
587.110	Vendor Requirements for Hearing Evaluations and Hearing Aid Evaluations
587.111	Binaural Hearing Aids
587.120	Speech and Language Services
587.130	Low Vision Aids
587.200	Mental Restoration Services
587.300	Heart Surgeries
587.400	Intestinal By-Pass or Stapling Surgery
587.410	Abortions
587.420	Transsexual Surgery
587.430	Organ Transplants
587.440	Chiropractic Services
587.450	Prosthetic or Orthotic Devices
587.500	Wheelchairs
587.510	Experimental Stage Therapeutic Devices or Procedures

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8813, effective June 10, 1985; amended at 10 Ill. Reg. 13671, effective August 4, 1986; amended at 11 Ill. Reg. 5309, effective March 11, 1987; amended at 12 Ill. Reg. 15621, effective September 16, 1988; amended at 13 Ill. Reg. 1850, effective January 27, 1989; amended at 14 Ill. Reg. 6785, effective April 20, 1990; amended at 15 Ill. Reg. 7370, effective April 30, 1991; amended at 16 Ill. Reg. 8235, effective May 18, 1992.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 587.70 Medication

DORS may pay for medications/treatments (e.g., insulin, doctor's office visit, medication) if necessary to cure or stabilize a condition in accordance with the objectives on the client's IWRP (89 Ill. Adm. Code 572) but will not pay for ongoing medications/treatments (treatment for a medical or mental condition for which there is no foreseeable date of termination of medication/treatment) except as a support service to the primary service on the IWRP (e.g., a client requires insulin to control his/her diabetes in order to attend training).

(Source: Amended at 16 Ill. Reg. 8235, effective May 18, 1992.)

NOTICE OF EMERGENCY AMENDMENT

1) The Heading of the Part: Pay Plan

2) The Code Citation: 80 Ill. Adm. Code 310

3) Section Number: Emergency Action:

310.290 Repealed

4) The specific statutory citation upon which the rule is based and authorized:

Illinois Revised Statutes 1989, ch. 127, par. 63b108a(2)

5) The effective date of the rule: May 19, 1992

6) If this emergency rule is to expire before the end of the 150 days period, please specify the date:

The emergency amendment will extend to the full 150 days.

7) Date filed in Agency's principle office: May 19, 1992

8) The reason for the emergency:

This emergency filing is necessary to comply with the recommendation of the Joint Committee on Administrative Rules to repeal the emergency filing published in the Issue 17 Illinois Register on April 24, 1992, page 6888, providing for the inclusion of the Office Administrator IV title under Section 310.290, Out-of-State or Foreign Service Rate.

9) A Complete Description of the Subjects and Issues Involved:

The Department of Central Management Services is filing an emergency amendment to repeal the emergency filing which was published in the April 24, 1992 Illinois Register, Issue 17, on page 6888. This amendment is being filed to adhere to the ruling of the Joint Committee on Administrative Rules that the emergency filing to include the Office Administrator IV title under Section 310.290, Out-of-State or Foreign Service Rate, did not meet the criteria of an emergency.

The proposed filing (page 6521) to establish the Office Administrator IV title under Section 310.290 of the Pay Plan with the monthly salary ranges of \$2,142 - 3,357 for the States of California and New Jersey, and \$1,895 - 2,969 for all other states will remain as filed.

NOTICE OF EMERGENCY AMENDMENT

10) Are there any proposed amendments pending to this part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.230	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.490	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table C	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table D	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table E	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table F	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table G	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table H	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table I	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table J	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table K	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table O	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table P	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table Q	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table R	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table S	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table W	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table X	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table Y	Amended	16 Ill. Reg. 342 (January 10, 1992)
310. Appendix A, Table Z	Amended	16 Ill. Reg. 342 (January 10, 1992)
310.290	Amended	16 Ill. Reg. 6521 (April 24, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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11) Statement of Statewide Policy Objectives:

This rulemaking does not affect local government units.

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Emergency Rule is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
EMERGENCY	
310.110	Implementation of Pay Plan Changes, Effective July 1, 1991
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
EMERGENCY	
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
EMERGENCY	
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1992
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSCME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSCME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1992
APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1992
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1992
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days

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Section 310.290 Out-of-State or Foreign Service Rate
EMERGENCY

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

<u>Title</u>	<u>Range</u>	<u>Effective Fiscal Year 1992</u>
Foreign Service Economic Development Executive I	2634 - 4561	
Foreign Service Economic Development Executive II	3415 - 5998	
Foreign Service Economic Development Representative	2268 - 3793	
Office-Administrator-IV (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1895 - 2969 2142 - 3357	
Office Assistant (Foreign Service)	1566 - 1934	
Office Associate (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1676 - 2101 1894 - 2375	
Office Coordinate (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1739 - 2191 1966 - 2477	
Revenue Audit Supervisor (OH, TX) (CA, NJ)	2997 - 5284 3388 - 5974	
Revenue Auditor I (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2369 - 3099 2678 - 3504	

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Revenue Auditor II (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2620 - 3447 2961 - 3896
Revenue Auditor III (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2919 - 3874 3299 - 4897
Revenue Auditor Trainee (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1975 - 2527 2232 - 2856
Revenue Assistant Audit Field Manager (OH, TX) (CA, NJ)	3182 - 5655 3597 - 6392
Revenue Field Audit Manager (NJ)	3840 - 6839
Tax Examiner (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1739 - 2191 1966 - 2477
Tax Examiner Trainee (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1566 - 1934 1771 - 2187

(Source: Emergency Rule Repealed at 16 Ill. Reg. 8239, effective
May 19, 1992, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302. Subpart F, the following water quality criteria as originally published in 15 Ill. Reg. 3334, March 1, 1991, have been revised as follows. This listing constitutes the water quality criteria that have been derived through April 30, 1992.

Chemical: Benzene

Date criteria derived: August 15, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; and Willow Creek, Reach No. 07120004-011/off.

CAS #71-43-2

acute criterion: 5,200 ug/l

chronic criterion: 416 ug/l

Chemical: Chlorobenzene

Date criteria derived: December 11, 1991

Applicable waterbody: Kyte River, Reach No. 07090005-010/on.

CAS #108-90-7

acute criterion: 993 ug/l

chronic criterion: 79 ug/l

Chemical: Ethyl Benzene

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies: Unnamed tributary to Coal Creek, Reach No. 07090005-003/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Higgins Creek, Reach No. 07120004-011/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 05120901-013/off; unnamed drainage ditch to Saline Branch, Reach No. 07120001-006/off; Poplar Creek, Reach No. to Willey Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; and unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off.

CAS #100-41-4

acute criterion: 216 ug/l

chronic criterion: 17.2 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hydrazine

Date criteria derived: September 13, 1990

Applicable waterbody: Rock River, Reach No. 07090005-012/on.

CAS #302-01-2

acute criterion: 6.2 ug/l

chronic criterion: 0.5 ug/l

Chemical: Toluene

CAS #108-88-3

Date criteria derived: August 16, 1990, revised May 17, 1991

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Willey Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; and unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off.

acute criterion: 1,750 ug/l

chronic criterion: 140 ug/l

Chemical: Xylenes

CAS #95-47-6

CAS #106-42-3

O-Xylene

p-Xylene

Date criteria derived: August 23, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Willey Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; and unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off.

acute criterion: o-Xylene = 187 ug/l; p-Xylene = 552 ug/l;

combined Xylenes = 1,500 ug/l

chronic criterion: o-Xylene = 15 ug/l; p-Xylene = 22 ug/l;

combined Xylenes = 117 ug/l

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchhill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

ILLINOIS REGISTER

8252
92JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Heading of Part: Medicaid Community Mental Health Services ProgramCode Citation: 59 Ill Adm Code 132Section Numbers:

132.10	132.15	132.20	132.25	132.30	132.35
132.40	132.45	132.50	132.55	132.60	132.65
132.70	132.75	132.80	132.85	132.90	132.95
132.100	132.105	132.110	132.115	132.120	132.125
132.130	132.135	132.140	132.145	132.150	132.155
132.160	132.165	132.170	Appendix A	Appendix B	

Table A Table B Table C

Date Originally Published in Illinois Register:1/3/92
16 Ill. Reg. 7

At its meeting on May 12, 1992, the Committee recommended that the agencies pursue an amendment to the Community Services Act (Ill Rev Stat, ch 127, par 901) to specifically authorize DCFS to certify providers of mental health services for children and youth for participation in the Medicaid Community Mental Health Services Program. The Department should respond within 90 days after the receipt of this Statement of Recommendation.

88800007

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

Unfair Labor Practice Proceedings

80 Ill Adm Code 1120

1120.80

4/10/92
16 Ill Reg 6052

Low-Income Housing Tax Credit Allocation

47 Ill Adm Code 350

350.213

4/3/92
16 Ill Reg 5369

At its meeting on May 12, 1992, the Joint Committee on Administrative Rules recommended that the Educational Labor Relations Board take measures to avoid use of emergency rulemaking to implement recently enacted Public Acts, and instead react to the passage of those Acts with sufficient promptness that it can pursue normal rulemaking pursuant to Section 5.01 of the IAPA. The Committee also recommended that in future instances in which the Board adopts rules to implement a Public Act, it provide that the rule have prospective, rather than retroactive, effect and that when the Board files its Second Notice for its companion permanent rulemaking (16 Ill Reg 5554), it do more to provide standards governing its exercise of discretion in ordering sanctions, as required by Section 15 of the Illinois Educational Labor Relations Act. The Board should respond to these recommendations within 90 days after receipt.

88506052

At its meeting on May 12, 1992, the Joint Committee on Administrative Rules objected to the above emergency rulemaking because the 3/3/92 effective date for this rule is prior to 3/24/92, the date it was accepted for filing by the Secretary of State. The IAPA provides that an emergency rule is effective upon filing, or within 10 days thereafter. Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

88505369

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

SECOND NOTICES RECEIVED
(page 2)

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 13, 1992 through May 19, 1992, and have been scheduled for review by the Committee at its June 16, 1992 meeting at 10:00 a.m. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/26/92	Department of Nuclear Safety, Standards for Protection Against Radiation (32 Ill Adm Code 340)	2/21/92 16 Ill Reg 2746	6/16/92
6/26/92	Department of Nuclear Safety, Fees for Radioactive Material Licenses (32 Ill Adm Code 331)	2/28/92 16 Ill Reg 2984	6/16/92
6/26/92	Department of Nuclear Safety, Notices, Instructions and Reports to Workers: Inspections (32 Ill Adm Code 400)	2/21/92 16 Ill Reg 2739	6/16/92
6/29/92	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)	3/20/92 16 Ill Reg 4360	6/16/92
6/29/92	Department of State Police, Sample Collection for Genetic Marker Indexing (20 Ill Adm Code 1285)	3/13/92 16 Ill Reg 3840	6/16/92
6/29/92	Department of Employment Security, Employment (56 Ill Adm Code 2732)	1/17/92 16 Ill Reg 785	6/16/92
7/2/92	Department of Conservation, Squirrel Hunting (17 Ill Adm Code 690)	4/3/92 16 Ill Reg 5157	6/16/92
7/2/92	Department of Conservation, Dove Hunting (17 Ill Adm Code 730)	4/3/92 16 Ill Reg 5143	6/16/92
7/2/92	Department of Public Aid, Aid to the Aged, Blind, or Disabled (89 Ill Adm Code 113)	11/15/91 15 Ill Reg 16610	6/16/92
7/2/92	Illinois Racing Board, Regulations for Meetings (11 Ill Adm Code 1424)	2/14/92 16 Ill Reg 2444	6/16/92

Second Notice Expires

Agency and Rule

Start of First Notice

JCAR Meeting

PROCLAMATION

92-241

OAK LAWN-HOMETOWN SCHOOL DISTRICT 123/90TH
ANNIVERSARY RECOGNIZED

Whereas, April 21 marks the 90th anniversary of the charter for Oak Lawn-Hometown School District 123; and
 Whereas, the first district school was a one-room frame house and had an enrollment of about eight students. Today the school district provides quality education to more than 2,450 children at five kindergarten-sixth grade elementary schools at a consolidated junior high; and

Whereas, the success of the district can be attributed to the combined efforts of dedicated school board members, supportive parents, and talented teachers and principles; and

Whereas, the school district is committed to an ongoing, comprehensive, educational program that is responsive to the needs of the community and continues to produce academically and socially competent students who can meet the challenges which lie ahead;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize April 21, 1992, as the 90th anniversary of Oak Lawn-Hometown School District 123 and commend the district for the outstanding educational opportunities it provides.

Issued by the Governor April 21, 1992.
 Filed with the Secretary of State May 14, 1992.

92-242

MYASTHENIA GRAVIS AWARENESS WEEK

Whereas, Myasthenia Gravis (MG) is a neuromuscular autoimmune disease which affects voluntary muscles, resulting in blurred vision, weakness of arms and legs, difficulty swallowing or breathing, and slurred speech; and

Whereas, more than 100,000 Americans suffer from this incurable disease, which can affect anyone, regardless of age, race or sex; and

Whereas, the Myasthenia Gravis Foundation was founded in 1952 by Jane Dewey Ellsworth to provide patient services, fund research, support medical symposia, provide information, and address national issues of concern to patients; and

Whereas, the MG Foundation has grown to a network of 54 chapters and more than 100 support groups and auxiliaries throughout this country, as well as eight international chapters; and

Whereas, each year during May 3-10 the Foundation holds an MG Awareness Week to promote knowledge of this disorder;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-10, 1992, as MYASTHENIA GRAVIS AWARENESS WEEK in Illinois in recognition of the Foundation's 40 years of service

and to commemorate its founder, Jane Dewey Ellsworth, who died in 1990.

Issued by the Governor May 1, 1992.

Filed with the Secretary of State May 14, 1992.

92-243

LOMBARD PARK DISTRICT DAY/LILAC TIME

Whereas, in 1927, Colonel William R. Plum bequeathed his Lombard estate for the creation of a public park to be administered by the Lombard Park District; and

Whereas, for the past 65 years, the Lombard Park District has embodied a rich tradition of tranquil, well-maintained parks and quality recreation programming; and

Whereas, during this time, the Park District has grown from an area about two miles square to approximately 450 acres of land dotted with ponds, lagoons, bike and hiking trails, playgrounds, picnic areas, garden plots, tennis and basketball courts, and more. In addition, the Park District boasts the 8.5 acre, world-renowned horticultural showcase, Lillacia Park; and

Whereas, the Lombard Park District also provides many other special facilities, including the Moran Water Park, Western Acres Golf Course, Madison Meadow Recreation Center, and the Lombard Community Building. Recreation programs include arts, fitness, athletic, and special events for tots, teens, adults, and seniors; and

Whereas, one of the Park District's most beloved traditions is "Lilac Time," scheduled May 9-17. This annual festival celebrates Lombard's unique horticultural tradition as "The Lilac Village" and serves as a wonderful celebration of spring;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1992, as LOMBARD PARK DISTRICT DAY and May 9-27 as LILAC TIME in Illinois.

Issued by the Governor May 4, 1992.

Filed with the Secretary of State May 14, 1992.

92-244

MANAGEMENT WEEK

Whereas, the National Management Association (NMA) is the largest nonprofit organization of its type, with more than 61,000 members nationwide. In Illinois, the NMA has three chapters and more than 500 members; and

Whereas, chapter members represent a diverse group of concerned citizens, including individuals from Illinois' business, industry, and public sectors; and

Whereas, the NMA strives for the assurance of smooth business operations and high productivity levels within our state; and

Whereas, the NMA's objective is to develop and recognize management as a profession and to promote the American

92 competitive enterprise system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1-6, 1992, as MANAGEMENT WEEK in Illinois.

Issued by the Governor May 4, 1992.
Filed with the Secretary of State May 14, 1992.

92-245

MARITIME DAY

Whereas, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

Whereas, this day is set aside in honor of the American Merchant Marine whose men and women served in war and peace, contributing to the waterborne commerce of our nation; and

Whereas, these oceangoing merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and

Whereas, the Propeller Club of the United States, with 68 member clubs throughout the country, annually takes time to celebrate this day with a variety of functions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1992, as MARITIME DAY in Illinois.

Issued by the Governor May 4, 1992.
Filed with the Secretary of State May 14, 1992.

92-246

DR. PAUL ARTHUR SCHLIPP RECOGNIZED

Whereas, Dr. Paul Arthur Schlipp is widely recognized as a scholar and teacher; and

Whereas, he is Distinguished Research Professor Emeritus at Southern Illinois University in Carbondale (SIUC); and

Whereas, Dr. Schlipp is the founder and 42-year editor of the university-acclaimed "Library of Living Philosophers," a series of volumes dealing with the thoughts of figures such as Einstein, Russell, and Dewey; and

Whereas, a former president of the American Philosophical Association, he has served as a consultant in philosophy for the Encyclopaedia Britannica for more than 30 years; and

Whereas, he has authored several books, such as "Kant's Pre-Critical Ethics" and "The Quest for Religious Realism"; and

Whereas, Dr. Schlipp continues to be an active writer. He recently finished writing his "Autobiography," and, in 1988, he contributed essays to the book "Courage to Grow Old"; and

Whereas, he has earned a number of awards, including the first Bertrand Russell Society Award at the University of Chicago and an honorary Doctorate of Letters degree from SIUC;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize DR. PAUL ARTHUR SCHLIPP for the numerous

accomplishments and contributions he has made in the fields of philosophy and education.

Issued by the Governor May 6, 1992.

Filed with the Secretary of State May 14, 1992.

92-247

HIGHWOOD SMALL FRY BASKETBALL TEAM DAY

Whereas, the Highwood Small Fry Basketball Team traveled to New Orleans, Louisiana, to compete in the International Friendship Tournament; and

Whereas, under the leadership of coaches Vern Reich, Jim Verhaeghe, and Jordan Shiner, the Highwood Small Fry Team defeated teams from New Jersey, Wisconsin, and Puerto Rico; and

Whereas, the Highwood Small Fry Team captured the championship title at the 1992 International Friendship Tournament;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7, 1992, as HIGHWOOD SMALL FRY BASKETBALL TEAM DAY in Illinois in honor of the team's record of success.

Issued by the Governor May 6, 1992.

Filed with the Secretary of State May 14, 1992.

92-248

POLISH FALCONS OF AMERICA/NEST NO. 2 COMMEMDED

Whereas, generations of Polish people have immigrated to the State of Illinois seeking freedom and new opportunities; and

Whereas, the Polish Falcons of America was organized in 1888 to help Polish Americans preserve their language, traditions, and customs and to establish physical fitness programs to develop the minds and bodies of its youth; and

Whereas, what is now known as Nest No. 2 of the Polish Falcons was originally organized on January 31, 1892; and

Whereas, in 1920, several nests merged, and the newly organized Nest No. 2 purchased a building on Ashland Avenue, which became the center of Polish culture and civil upbringing on the Northwest side of Chicago; and

Whereas, members of the Polish Falcons became accomplished athletes, active participants in community activities, and key players in the Polish struggle for freedom. Members lived up to Falcon ideals and patriotic duties by volunteering for service in the U.S. and Polish armies during WW I and WW II; and

Whereas, throughout the years, nest members have significantly contributed by the Polish Falcons of America and to the life of Polonia in general. They have raised funds and made donations to a number of worthwhile causes including the Polish Army veterans, blind children at Laski Institute in Poland, and the Dr. T. Starzynski Scholarship Fund; and

Therefore, I, Jim Edgar, Governor of the State of Illinois,

92
8261
Command Nest No. 2 of the Polish Falcons of America on its 100th Anniversary and recognize its rich legacy of traditions, ideals, sacrifices, and accomplishments.
Issued by the Governor May 6, 1992.
Filed with the Secretary of State May 14, 1992.

92-249

GREEK HERITAGE WEEK

Whereas, our state is home to more than 250,000 Greek-Americans; and
Whereas, Greek Heritage Week is May 10-16, 1992, and a variety of festivities will be held in Chicago to celebrate the observance; and
Whereas, celebratory activities will include an ethnic dance festival and Greek Heritage Night, as well as the 26th annual Greek-American parade; and
Whereas, the parade's grand marshal will be Vice Admiral Michael P. Kalleres, U.S. Navy Commander. His Excellency Sotirios Kouvelas, Minister to the Prime Minister of Greece, will serve as the parade's honorary marshal; and
Whereas, the 1992 theme for the parade is "Century of Hellenism and Orthodoxy in Chicago"; and
Whereas, for the past 100 years, Chicago's Greek-American community has made significant contributions to the growth and vitality of our state;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10-16, 1992, as GREEK HERITAGE WEEK in Illinois.
Issued by the Governor May 7, 1992.
Filed with the Secretary of State May 14, 1992.

92-250

NORRIS CITY-OMAHA-ENFIELD HIGH SCHOOL
CARDINAL BAND RECOGNIZED

Whereas, the Norris City-Omaha-Enfield High School Cardinal Band is a group of 86 musicians and auxiliary personnel representing three communities in Southern Illinois; and
Whereas, the band has earned numerous awards, including first division rating during its past three appearances in the Illinois High School Association Organization Contest; and
Whereas, the Norris City-Omaha-Enfield High School Band has performed in Kansas City, Memphis, Cincinnati, Nashville, and St. Louis; and
Whereas, the group was selected as one of two to perform in the October 1991 Mt. Vernon Teachers' Conference; and
Whereas, the band was chosen from 150 bands nationwide as one of 30 groups to take part in the Kentucky Derby Pegasus Parade in Louisville, marking the second time the band has earned this honor;

92
8262
Therefore, I, Jim Edgar, Governor of the State of Illinois, give special recognition to the NORRIS CITY-OMAHA-ENFIELD HIGH SCHOOL CARDINAL BAND for its commitment to excellence.
Issued by the Governor May 7, 1992.
Filed with the Secretary of State May 14, 1992.

92-251

PROFESSOR RONALD L. BARRETT DAY

Whereas, Ronald L. Barrett has been playing and singing gospel music since the age of five;
Whereas, Barrett is an accomplished musician who is a member of the Trinity United Church of Christ sanctuary choir and men's chorus. He has served as a musician for a number of churches and is presently the minister of music for the Greater Mount Hebron Baptist Church;
Whereas, he also currently serves as music director for the Union District Baptist Association of Chicago, state soloist for the Baptist State Convention of Illinois, national music coordinator for the Progressive National Baptist Convention, and a private instructor of voice and music, as well as making appearances throughout Chicago and the surrounding area;
Whereas, Barrett's music ministry extends beyond the local realm. He has appeared throughout the United States, the Caribbean, and Europe; and
Whereas, his vocal abilities have been enjoyed by thousands, and he has graced the gospel arena with many gospel greats;
Whereas, on May 31, Professor Barrett will be honored at a spectacular Gospel Musical Salute in Chicago;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 31, 1992, as PROFESSOR RONALD L. BARRETT DAY in Illinois.
Issued by the Governor May 7, 1992.
Filed with the Secretary of State May 14, 1992.

92-252

CORINNE Q. SIEGEL DAY

Whereas, Corinne Q. Siegel graduated from Hunter College in New York and received her Master's Degree from Columbia University; and
Whereas, after graduation, she married a medical student and worked to put him through school. As the wife of a busy pediatrician, Corinne was active in North Shore organizations, especially mental health causes; and
Whereas, Corinne has demonstrated the courage and strength to overcome the personal adversities of widowhood at age forty and cancer two years later. Alone, she raised five successful children; and
Whereas, in 1969, she returned to teaching, instructing

middle school-aged children and serving as principal for 19 years; and

Whereas, thousands of children have become better students because she touched their lives. Corinne has the remarkable ability to lovingly encourage children to achieve by never accepting excuses and always demanding their best; and

Whereas, Corinne was the first woman in the Midwest to ever serve as president of a Reformed Congregation when she accepted the position at the Sole Temple in Highland Park; and

Whereas, on June 7, Corinne will retire as principal of the University of Chicago Laboratory Schools, the Middle School, and will be honored at a reception held in the Japanese Gardens at the University of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7, 1992, as CORINNE Q. SIEGEL DAY in Illinois.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-253

FAMILY BUSINESS WEEK

Whereas, the Midwest Association of Family Business Owners (MAFBO) is a nonprofit educational and support organization for owners and managers of family-owned companies; and

Whereas, family businesses comprise 80 to 90 percent of all the businesses in the United States and play an immense role in maintaining economic and community stability within Illinois, as well as across the country; and

Whereas, the dissolution of family businesses as a result of poor succession planning is a serious problem in Illinois and could result in the loss of more than 15,000 jobs in the next ten years, especially in the manufacturing sector; and

Whereas, on September 18, MAFBO is having its first annual conference to provide succession planning, communication, and support to family businesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 13-19, 1992 as FAMILY BUSINESS WEEK in Illinois to recognize the importance of the family enterprise and the many contributions family businesses make to our state.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-254

ILLINOIS SOCIETY OF THE SONS OF
THE AMERICAN REVOLUTION DAYS

Whereas, the Illinois Society of the Sons of the American Revolution (ILSSAR) is a nonprofit, nonpolitical organization dedicated to patriotic, historic, and educational objectives; and

Whereas, the organization has approximately 1,000 members in

our state; and

Whereas, ILSSAR promotes community involvement and good citizenship through a number of programs. It presents Good Citizenship Awards to graduating high school seniors, ROTC Awards to outstanding cadets in ROTC and ROTC programs, Recognition Awards to individuals who become Eagle Scouts, and Law Enforcement Awards to outstanding law enforcement officials; and

Whereas, ILSSAR donates educational materials on U.S. History and American government to our schools and conducts a yearly oration contest for high school students; and

Whereas, the organization provides our state's VA Hospitals and Medical Centers with clothing, books, and supplies; and

Whereas, ILSSAR takes part in identifying and marking historically important sites throughout the state; and

Whereas, ILSSAR will hold its 102nd Annual Congress in Effingham May 8-9, 1992;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8-9, 1992, as ILLINOIS SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION DAYS in Illinois.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-255

LULAC DAY

Whereas, the League of United Latin American Citizens (LULAC) was founded in 1929 to seek equal opportunities for all Hispanics, many of whom has been denied their basic rights as American citizens; and

Whereas, LULAC is one of the nation's oldest and largest Hispanic organizations. Membership extends across the United States and into other countries. This national organization represents Hispanic views in arenas where social policy and planning occur; and

Whereas, LULAC represents the ideals of the majority of Hispanics who were either born or immigrated here to create a new life for their families and to pursue the American dream in a democracy where citizens enjoy freedom and justice; and

Whereas, LULAC believes education is the foundation for cultural growth and development and since its inception has provided many scholarships to youths and adults; and

Whereas, in Illinois, LULAC actively works with other civic and governmental institutions in the field of public service to stimulate and direct productive citizens to attain the highest ideals of American society; and

Whereas, through its many programs, LULAC contributes to the economic, social, and civic life of the state and encourages an appreciation for the dignity, worth, and potential of the individual;

Whereas, on May 23, LULAC will hold its 36th annual state convention in Chicago;

92 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 23, 1992, as LULAC DAY in Illinois and urge all residents of Illinois to recognize LULAC's many contributions to our state.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-256

MULTIPLE SCLEROSIS MONTH

Whereas, multiple sclerosis (MS) is a chronic, often disabling, neurological disease affecting more than a quarter of a million Americans; and

Whereas, every hour, an adult, typically between the ages of 20 and 40, is diagnosed as having multiple sclerosis; and

Whereas, multiple sclerosis symptoms vary widely and may include impaired vision, loss of balance and muscle coordination, slurred speech, tremors, stiffness, bladder and bowel problems, abnormal fatigue, and, in the most severe cases, paralysis; and

Whereas, there is no cure, prevention, or known cause of multiple sclerosis;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1992 as MULTIPLE SCLEROSIS MONTH in Illinois.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-257

OLDER AMERICANS MONTH

Whereas, the United States of America and the State of Illinois have traditionally reserved the month of May as a time to honor older Americans, recognize their many accomplishments, and concentrate on fulfilling their needs; and

Whereas, addressing the needs of the older population is not simply a family issue, but a personal issue which affects all citizens due to current demographic trends and the growing number of working family caregivers; and

Whereas, the nation's Aging Network has adopted the theme "Community Action Begins with You...Help Older Persons Help Themselves" to encourage people to become involved in eldercare issues; and

Whereas, eldercare partnerships reflect the commitment of the entire Illinois community and offer a positive response to the changing needs of older people and family caregivers; and

Whereas, the month of May is a time of growth and renewal and a perfect time to renew or establish a resolve to work together as a family to support our foundation, the state's two million aging parents and grandparents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1992 as OLDER AMERICANS MONTH in Illinois and

92 encourage you to join me in saluting our cherished older citizens and Illinois families.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-258

POM PON APPRECIATION DAY

Whereas, more than 1,000 young women from 50 midwestern high school pom pon squads will be demonstrating their hard work and talents at the Allstate Open Pom Pon competition; and

Whereas, several groups of young women from Illinois will be participating in the competition to be held August 9 at the Wisconsin State Fair; and

Whereas, participation in pom pon squads can help promote responsibility, increase awareness of women's athletics, emphasize good health, and strengthen community pride;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 9, 1992, as POM PON APPRECIATION DAY in Illinois.

Issued by the Governor May 8, 1992.

Filed with the Secretary of State May 14, 1992.

92-259

"SAFE KIDS BUCKLE UP WEEK"

Whereas, the children of our state are our most important resource; and

Whereas, childhood injury prevention is a priority of the Illinois Department of Public Health; and

Whereas, during 1990, 4,239 Illinois children younger than age 5 were injured as passengers in motor vehicle crashes and 19 were killed; and

Whereas, in the United States, motor vehicle crashes are the number one cause of death of children older than the age of 6 months; and

Whereas, more children younger than the age of 5 are killed or crippled as passengers in motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella, and polio; and

Whereas, research shows that, when used correctly, child passenger protection devices are 71 percent effective in preventing death and 67 percent effective in preventing injury; and

Whereas, death and injury may be reduced significantly through greater public awareness, information, education, and enforcement of seat belt and child safety restraint laws; and

Whereas, Illinois supports the focus of the National Safe Kids Campaign for 1992, which is the reduction of motor vehicle occupant injuries and fatalities among children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-25, 1992, as "SAFE KIDS BUCKLE UP WEEK" in Illinois and encourage all Illinoisans to observe the week with appropriate programs, ceremonies, and activities to increase correct use of child safety seats.

Issued by the Governor May 11, 1992.

Filed with the Secretary of State May 14, 1992.

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ACTION CODES		JCAR - Joint Committee on Administrative Rules
A - Adopted Rule	P - Proposed Rule	
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR	
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules	
CC - Codification Changes	PR - Proposed Repealer	
E - Emergency Rule	R - Refusal to meet JCAR Objection	
ER - Emergency Repealer	RC - Statement of Recommendation	
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR	
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
E = Emergency rule
F = Failure to Remedy
M = Modification
O = JCAR Objection
P = Proposed rule
PF = Prohibited filing
PP = Peremptory rule
R = Refusal to Modify
S = Suspend rule
W = Withdrawal of

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245.100	n	100.10	n
245.110	n	100.20	n
245.120	n	100.30	n
245.130	n	100.40	n
245.104	n	100.50	n
245 Ex.A	n	100.60	n
245.2314	n	100.70	n
245.2314	n	125.10	n
		125.20	n
		125.30	n
		125.40	n
		125.50	n
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		128.820	n
		128.830	n
		128.840	n
		128.850	n

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TITLE 8 (CONT'D)		TITLE 11 (CONT'D)		TITLE 14		TITLE 17	
110.80	am	(P-3624)	r	130.110	am	1305.140	am
110.90	am	(P-3624)	r	170.10	am	1314.10	r
110.110	am	(P-3624)	am	170.11	am	1318.180	n
110.120	am	(P-3624)	am	170.12	am	1318.190	n
115.10	am	(P-3661)	r	170.13	am	1424.100	r
115.20	am	(P-3661)	r	170.14	am	1424.105	r
115.30	am	(P-3661)	am	170.17	am	1424.170	am
115.50	am	(P-3661)	am	170.30	n	1424.250	am
115.70	am	(P-3661)	r	170.40	n	1705.10	n
115.80	am	(P-3661)	am	1705.40	n	1705.20	n
115.100	am	(P-3661)	r	1705.50	n	1705.30	n
125.10	am	(P-1921)	am	1705.60	n	1705.40	n
125.260	am	(PP-1899) (P-1921)	am	1705.70	n	1705.50	n
125.270	am	(P-1921)	am	1705.80	n	1705.60	n
125.290	am	(P-1921)	n	1705.90	n	1705.70	n
125.295	n	(P-1921)	am	170.10	am	1705.80	n
125.380	am	(PP-1899)	am	170.11	am	1705.90	n
125.390	am	(P-1921)	am	170.12	am	1705.10	n
211.10	n	(P-7955)	am	170.13	am	1705.20	n
211.20	n	(P-7955)	am	170.14	am	1705.30	n
211.30	n	(P-7955)	am	170.17	am	1705.40	n
211.40	n	(P-7955)	am	170.30	n	1705.50	n
211.50	n	(P-7955)	am	170.40	n	1705.60	n
211.60	n	(P-7955)	am	170.50	n	1705.70	n
211.70	n	(P-7955)	am	170.60	n	1705.80	n
211.80	n	(P-7955)	am	170.70	n	1705.90	n
235.10	n	(P-2969)	am	170.80	n	1706.00	n
235.20	n	(P-2969)	am	170.90	n	1706.10	n
305.10	n	(P-7949)	am	170.100	n	1706.20	n
305.20	n	(P-7949)	am	170.110	n	1706.30	n
305.30	n	(P-7949)	am	170.120	n	1706.40	n
305.40	n	(P-7949)	am	170.130	n	1706.50	n
305.50	n	(P-7949)	am	170.140	n	1706.60	n
305.60	n	(P-7949)	am	170.150	n	1706.70	n
305.70	n	(P-7949)	am	170.160	n	1706.80	n
				170.170	n	1706.90	n
				170.180	n	1707.00	n
				170.190	n	1707.10	n
				170.200	n	1707.20	n
				170.210	n	1707.30	n
				170.220	n	1707.40	n
				170.230	n	1707.50	n
				170.240	n	1707.60	n
				170.250	n	1707.70	n
				170.260	n	1707.80	n
				170.270	n	1707.90	n
				170.280	n	1708.00	n
				170.290	n	1708.10	n
				170.300	n	1708.20	n
				170.310	n	1708.30	n
				170.320	n	1708.40	n
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				170.340	n	1708.60	n
				170.350	n	1708.70	n
				170.360	n	1708.80	n
				170.370	n	1708.90	n
				170.380	n	1709.00	n
				170.390	n	1709.10	n
				170.400	n	1709.20	n
				170.410	n	1709.30	n
				170.420	n	1709.40	n
				170.430	n	1709.50	n
				170.440	n	1709.60	n
				170.450	n	1709.70	n
				170.460	n	1709.80	n
				170.470	n	1709.90	n
				170.480	n	1710.00	n
				170.490	n	1710.10	n
				170.500	n	1710.20	n
				170.510	n	1710.30	n
				170.520	n	1710.40	n
				170.530	n	1710.50	n
				170.540	n	1710.60	n
				170.550	n	1710.70	n
				170.560	n	1710.80	n
				170.570	n	1710.90	n
				170.580	n	1711.00	n
				170.590	n	1711.10	n
				170.600	n	1711.20	n
				170.610	n	1711.30	n
				170.620	n	1711.40	n
				170.630	n	1711.50	n
				170.640	n	1711.60	n
				170.650	n	1711.70	n
				170.660	n	1711.80	n
				170.670	n	1711.90	n
				170.680	n	1712.00	n
				170.690	n	1712.10	n
				170.700	n	1712.20	n
				170.710	n	1712.30	n
				170.720	n	1712.40	n
				170.730	n	1712.50	n
				170.740	n	1712.60	n
				170.750	n	1712.70	n
				170.760	n	1712.80	n
				170.770	n	1712.90	n
				170.780	n	1713.00	n
				170.790	n	1713.10	n
				170.800	n	1713.20	n
				170.810	n	1713.30	n
				170.820	n	1713.40	n
				170.830	n	1713.50	n
				170.840	n	1713.60	n
				170.850	n	1713.70	n
				170.860	n	1713.80	n
				170.870	n	1713.90	n
				170.880	n	1714.00	n
				170.890	n	1714.10	n
				170.900	n	1714.20	n
				170.910	n	1714.30	n
				170.920	n	1714.40	n
				170.930	n	1714.50	n
				170.940	n	1714.60	n
				170.950	n	1714.70	n
				170.960	n	1714.80	n
				170.970	n	1714.90	n
				170.980	n	1715.00	n
				170.990	n	1715.10	n
				171.000	n	1715.20	n
				171.010	n	1715.30	n
				171.020	n	1715.40	n
				171.030	n	1715.50	n
				171.040	n	1715.60	n
				171.050	n	1715.70	n
				171.060	n	1715.80	n
				171.070	n	1715.90	n
				171.080	n	1716.00	n
				171.090	n	1716.10	n
				171.100	n	1716.20	n
				171.110	n	1716.30	n
				171.120	n	1716.40	n
				171.130	n	1716.50	n
				171.140	n	1716.60	n
				171.150	n	1716.70	n
				171.160	n	1716.80	n
				171.170	n	1716.90	n
				171.180	n	1717.00	n
				171.190	n	1717.10	n
				171.200	n	1717.20	n
				171.210	n	1717.30	n
				171.220	n	1717.40	n
				171.230	n	1717.50	n
				171.240	n	1717.60	n
				171.250	n	1717.70	n
				171.260	n	1717.80	n
				171.270	n	1717.90	n
				171.280	n	1718.00	n
				171.290	n	1718.10	n
				171.300	n	1718.20	n
				171.310	n	1718.30	n
				171.320	n	1718.40	n
				171.330	n	1718.50	n
				171.340	n	1718.60	n
				171.350	n	1718.70	n
				171.360	n	1718.80	n
				171.370	n	1718.90	n
				171.380	n	1719.00	n
				171.390	n	1719.10	n
				171.400	n	1719.20	n
				171.410	n	1719.30	n
				171.420	n	1719.40	n
				171.430	n	1719.50	n
				171.440	n	1719.60	n
				171.450	n	1719.70	n
				171.460	n	1719.80	n
				171.470	n	1719.90	n
				171.480	n	1720.00	n
				171.490	n	1720.10	n
				171.500	n	1720.20	n
				171.510	n	1720.30	n
				171.520	n	1720.40	n
				171.530	n	1720.50	n
				171.540	n	1720.60	n
				171.550	n	1720.70	n
				171.560	n	1720.80	n
				171.570	n	1720.90	n
				171.580	n	1721.00	n
				171.590	n	1721.10	n
				171.600	n	1721.20	n
				171.610	n	1721.30	n
				171.620	n	1721.40	n
				171.630	n	1721.50	n
				171.640	n	1721.60	n
				171.650	n	1721.70	n
				171.660	n	1721.80	n
				171.670	n	1721.90	n
				171.680	n	1722.00	n
				171.690	n	1722.10	n
				171.700	n	1722.20	n
				171.710	n	1722.30	n
				171.720	n	1722.40	n
				171.730	n	1722.50	n
				171.740	n	1722.60	n
				171.750	n	1722.70	n
				171.760	n	1722.80	n
				171.770	n	1722.90	n
				171.780	n	1723.00	n
				171.790	n	1723.10	n
				171.800	n	1723.20	n
				171.810	n	1723.30	n
				171.820	n	1723.40	n
				171.830	n	1723.50	n
				171.840	n	1723.60	n
				171.850	n	1723.70	n
				171.860	n	1723.80	n
				171.870	n	1723.90	n

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660.25	(P-5525)	n	890.30	(P-17811/91; A-5262)	n
660.30	(P-5525)	am	890.40	(P-17811/91; A-5262)	n
660.40	(P-5525)	am	890.50	(P-17811/91; A-5262)	n
660.45	(P-5525)	am	950.20	(P-5429)	am
660.50	(P-5525)	am	950.40	(P-5429)	am
660.60	(P-5525)	am	960.30	(P-5433)	am
670.10	(P-5482)	am	970.10	(P-2727)	r
670.20	(P-5482)	am	970.20	(P-2727)	r
670.30	(P-5482)	am	970.30	(P-2727)	r
670.40	(P-5482)	am	970.40	(P-2727)	r
670.50	(P-5482)	am	970.50	(P-2727)	r
670.60	(P-5482)	am	970.60	(P-2727)	r
690.20	(P-5157)	am	1010.30	(P-13594/91; A-103)	am
690.30	(P-5157)	am	1530.30	(P-2972)	am
710.10	(P-14833/91; A-1843)	am	1530.50	(P-2972)	am
710.20	(P-14833/91; A-1843)	am	1530.60	(P-2972)	am
710.21	(P-14833/91; A-1843)	n	1530.60	(P-2972)	am
710.30	(P-14833/91; A-1843)	am	1530.60	(P-2972)	am
710.50	(P-14833/91; A-1843)	am	1530.60	(P-2972)	am
715.10	(P-5475)	am	1535.50	(P-2979)	am
715.20	(P-5475)	am	1535.50	(P-2979)	am
715.40	(P-5475)	am	1538.50	(P-755; W-4555) (P-4148)	n
720.10	(P-5466)	am	1538.10	(P-755; W-4555) (P-4148)	n
720.20	(P-5466)	am	1538.20	(P-755; W-4555) (P-4148)	n
720.30	(P-5466)	am	1538.30	(P-755; W-4555) (P-4148)	n
720.40	(P-5466)	am	1538.40	(P-755; W-4555) (P-4148)	n
730.20	(P-5143)	am	1538.50	(P-755; W-4555) (P-4148)	n
730.30	(P-5143)	am	1538.60	(P-755; W-4555) (P-4148)	n
740.10	(P-5540)	am	1538.70	(P-755; W-4555) (P-4148)	n
810.35	(P-17817/91; A-5267)	am	1538.80	(P-755; W-4555) (P-4148)	n
810.37	(P-17817/91; A-5267)	am	1590.50	(P-4132)	am
810.45	(P-17817/91; A-5267)	am	1590.60	(P-4132)	am
810.60	(P-17817/91; A-5267)	am	1590.70	(P-4132)	am
830.60	(P-18327/91; A-5257)	am	1590.80	(P-4132)	am
830.70	(P-18327/91; A-5257)	am	1590.90	(P-4132)	am
830.90	(P-18327/91; A-5257)	am	1590.100	(P-4132)	am
850.10	(P-4616)	am	1590.110	(P-4132)	am
850.20	(P-4616)	am	1590.120	(P-4132)	am
850.30	(P-4616)	am	2030.15	(P-2302)	am
880.10	(P-13603/91; A-109)	n	2030.20	(P-2302)	am
880.20	(P-13603/91; A-109)	n	2030.50	(P-2297)	am
880.30	(P-13603/91; A-109)	n	3010.40	(P-14794/91; A-1806)	am
880.40	(P-13603/91; A-109)	n	3010.50	(P-14794/91; A-1806)	am
880.50	(P-13603/91; A-109)	n	3010.70	(P-14794/91; A-1806)	am
890.10	(P-17811/91; A-5262)	n	3010.80	(P-14794/91; A-1806)	am
890.20	(P-17811/91; A-5262)	n	3020.20	(P-14820/91; A-1833)	am
			3020.40	(P-14820/91; A-1833)	am
			3020.50	(P-14820/91; A-1833)	am
			3020.70	(P-14820/91; A-1833)	am
			3020.80	(P-14820/91; A-1833)	am
			3030.30	(P-14807/91; A-1816)	am

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3030.60	(P-14807/91; A-1816)	am	1235.20	(E-17785/91; O-1746)	n
3035.40	(P-14783/91; A-1797)	am	1235.30	(E-17785/91; O-1746)	n
3035.70	(P-14783/91; A-1797)	am	1235.40	(E-17785/91; O-1746)	n
3035.80	(P-14783/91; A-1797)	am	1235.50	(E-17785/91; O-1746)	n
4170.100	(P-5576)	n	1235.60	(E-17785/91; O-1746)	n
4170.110	(P-5576)	n	1235.70	(E-17785/91; O-1746)	n
4170.120	(P-5576)	n	1235.80	(E-17785/91; O-1746)	n
4170.130	(P-5576)	n	1235.90	(E-17785/91; O-1746)	n
4170.200	(P-5576)	n	1235.100	(E-17785/91; O-1746)	n
4170.250	(P-5576)	n	1235.110	(E-17785/91; O-1746)	n
4170.300	(P-5576)	n	1235.120	(E-17785/91; O-1746)	n
4170.400	(P-5576)	n	1235.130	(E-17785/91; O-1746)	n
4170.500	(P-5576)	n	1285.10	(P-17566/91; A-7041)	n
4170.550	(P-5576)	n	1285.20	(P-17566/91; A-7041)	n
4170.600	(P-5576)	n	1285.30	(P-17566/91; A-7041)	n
4170.700	(P-5576)	n	1285.40	(P-17566/91; A-7041)	n
4170.800	(P-5576)	n	1285.50	(P-17566/91; A-7041)	n
			1285.60	(P-17566/91; A-7041)	n
			1285.70	(P-17566/91; A-7041)	n
			1285.80	(P-17566/91; A-7041)	n
			1570.10	(P-17566/91; A-7041)	n
			1570.20	(P-17566/91; A-7041)	n
			1570.30	(P-17566/91; A-7041)	n
			1570.40	(P-17566/91; A-7041)	n
			1570.50	(P-17566/91; A-7041)	n
			1570.60	(P-17566/91; A-7041)	n
			1580.10	(P-17566/91; A-7041)	n
			1580.20	(P-17566/91; A-7041)	n
			1580.30	(P-17566/91; A-7041)	n
			1580.40	(P-17566/91; A-7041)	n
			1580.50	(P-17566/91; A-7041)	n
			1720.15	(P-15251/91; A-4002)	am
			1720.35	(E-727) (P-7756)	n
			1800.10	(P-10)	n
			1800.20	(P-10)	n
			1800.30	(P-10)	n
			1800.40	(P-10)	n

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210.30	(P-17010/91; A-6979)	am
405.20	(P-5176)	am
405.50	(P-5176)	am
405.60	(P-5176)	am
435.10	(P-1941; A-8166)	am
435.12	(P-1941; A-8166)	am
435.15	(P-1941; A-8166)	am
435.20	(P-1941; A-8166)	am
435.30	(P-1941; A-8166)	am
435.40	(P-1941; A-8166)	am
435.50	(P-1941; A-8166)	am
435.60	(P-1941; A-8166)	am
435.70	(P-1941; A-8166)	am
504.802	(P-3715)	am
504.810	(P-3715)	am
504.830	(P-3715)	am
504.905	(P-3715)	am
504.910	(P-3715)	am
504.920	(P-3715)	am
504.930	(P-3715)	am
525.110	(E-3583) (P-5166)	am
525.130	(E-3583) (P-5166)	am
525.140	(E-3583) (P-5166)	am
525.150	(E-3583) (P-5166)	am
1205.10	(P-4803)	n
1205.20	(P-4803)	n
1205.30	(P-4803)	n
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401.110	am	(P-1474)	219.104
401.130	am	(P-1474)	219.583
401.140	am	(P-1474)	219.586
401.150	am	(P-1474)	240.102
401.160	n	(P-1474)	240.107
401.Ap.B	am	(P-1474)	240.122
401.Ap.C	n	(P-1474)	240.140
504.10	n	(P-4163)	240.141
504.20	n	(P-4163)	243.108
504.30	n	(P-4163)	243.120
504.40	n	(P-4163)	243.121
504.50	n	(P-4163)	244.101
504.60	n	(P-4163)	244.106
504.70	n	(P-4163)	244.107
504.80	n	(P-4163)	244.121
504.90	n	(P-4163)	244.161
505.10	am	(P-6631)	244.162
505.20	am	(P-15875/91; A-7656)	244.163
505.30	am	(P-15875/91; A-7656)	244.166
505.40	am	(P-6606)	244.167
505.50	n	(P-16564/91; A-7880)	244.168
505.60	n	(P-16564/91; A-7880)	244.169
505.70	n	(P-16564/91; A-7880)	244.203
505.80	am	(P-16564/91; A-7880)	303.203
505.90	am	(P-16564/91; A-7880)	307.1101
506.10	n	(P-41; A-8204)	307.2400
506.20	am	(P-16564/91; A-7880)	307.2401
506.30	am	(P-16564/91; A-7880)	307.2402
506.40	n	(P-16564/91; A-7880)	307.2403
506.50	n	(P-16564/91; A-7880)	307.2404
506.60	n	(P-16564/91; A-7880)	307.2405
506.70	am	(P-41; A-8204)	307.2406
506.80	n	(P-16564/91; A-7880)	307.2407
506.90	am	(P-41; A-8204)	307.2490
507.10	am	(P-41; A-8204)	307.3100
507.20	n	(P-16564/91; A-7880)	307.3109
507.30	n	(P-16564/91; A-7880)	307.3115
507.40	n	(P-16564/91; A-7880)	307.3119
507.50	n	(P-16564/91; A-7880)	307.3120
507.60	n	(P-16564/91; A-7880)	307.3124
507.70	am	(P-4682)	307.3129
507.80	am	(P-6635)	309.103
507.90	am	(P-4170)	310.103
508.10	n	(P-11059/91; A-3132)	310.105
508.20	am	(P-4170)	310.107
508.30	am	(P-4693)	310.110
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310.221 am	(P-17481/91; A-7346)	611.604 n (P-5582)
310.222 am	(P-17481/91; A-7346)	611.605 n (P-5582)
310.230 am	(P-17481/91; A-7346)	611.606 am (P-5582)
310.232 am	(P-17481/91; A-7346)	611.607 am (P-5582)
310.233 am	(P-17481/91; A-7346)	611.608 n (P-5582)
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310.510 am	(P-17481/91; A-7346)	611.610 # (P-5582)
310.611 am	(P-17481/91; A-7346)	611.611 n (P-5582)
310.633 am	(P-17481/91; A-7346)	611.630 # (P-5582)
310.635 am	(P-17481/91; A-7346)	611.631 n (P-5582)
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365.304 am	(P-3745)	611.648 # (P-5582)
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365.403 am	(P-3745)	611.657 r (P-5582)
365.404 am	(P-3745)	611.658 n (P-5582)
365.503 am	(P-3745)	611.851 am (P-5582)
365.602 am	(P-3745)	611. Ap. A am (P-5582)
365.603 am	(P-3745)	615.101 n (P-10303/91; O-17791/91; R-1702; A-1538)
365.604 am	(P-3745)	615.102 n (P-10303/91; O-17791/91; R-1702; A-1538)
365.803 n	(P-3745)	615.103 n (P-10303/91; O-17791/91; R-1702; A-1538)
365.903 am	(P-3745)	615.104 n (P-10303/91; O-17791/91; R-1702; A-1538)
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601.105 am	R-1713; A-1585)	615.201 n (P-10303/91; O-17791/91; R-1702; A-1538)
611.101 am	(P-5582)	615.202 n (P-10303/91; O-17791/91; R-1702; A-1538)
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611.110 am	(P-5582)	615.204 n (P-10303/91; O-17791/91; R-1702; A-1538)
611.111 am	(P-5582)	615.205 n (P-10303/91; O-17791/91; R-1702; A-1538)
611.112 am	(P-5582)	615.206 n (P-10303/91; O-17791/91; R-1702; A-1538)
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611.296 n	(P-5582)	
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611.526 am	(P-5582)	
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616.624	n	(P-9836/91; O-17793/91; R-1723; A-1592)	722.110 722.134	am am	(P-1112) (P-1112)
616.625	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.212 724.440	am am	(P-1123) (P-1123)
616.701	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.930 724.935	am am	(P-1123) (P-1123)
616.702	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.113 725.173	am am	(P-875) (P-875)
616.703	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.212 725.213	am am	(P-875) (P-875)
616.704	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.440 725.470	am am	(P-875) (P-875)
616.705	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.935 725.952	am am	(P-875) (P-875)
616.721	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.130 726.131	r r	(P-1148) (P-1148)
616.722	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.132 726.133	r r	(P-1148) (P-1148)
616.723	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.134 726.135	r r	(P-1148) (P-1148)
616.724	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.140 726.200	am n	(P-1148) (P-1148)
616.725	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.201 726.202	n n	(P-1148) (P-1148)
617.101	n	(P-9882/91; O-17794/91; R-1734; A-1639)	726.203 726.204	n n	(P-1148) (P-1148)
617.102	n	(P-9882/91; O-17794/91; R-1734; A-1639)	726.205 726.206	n n	(P-1148) (P-1148)
620.450	am	(P-7286)	726.207	n	(P-1148)
703.150	am	(P-1058)	726.208	n	(P-1148)
703.155	am	(P-1058)	726.209	n	(P-1148)
703.157	am	(P-1058)	726.210	n	(P-1148)
703.208	n	(P-1058)	726.211	n	(P-1148)
703.211	am	(P-1058)	726.212	n	(P-1148)
703.232	n	(P-1058)	726.219	n	(P-1148)
703.280	am	(P-1058)	726.Ap.A	n	(P-1148)
703.283	am	(P-1058)	726.Ap.B	n	(P-1148)
703.Ap.A	am	(P-1058)	726.Ap.C	n	(P-1148)
720.110	am	(P-791)	726.Ap.D	n	(P-1148)
720.111	am	(P-791)	726.Ap.E	n	(P-1148)
721.102	am	(P-820)	726.Ap.F	n	(P-1148)
721.103	am	(P-820)	726.Ap.G	n	(P-1148)
721.104	am	(P-820)	726.Ap.H	n	(P-1148)
721.106	am	(P-820)	726.Ap.I	n	(P-1148)
721.120	am	(P-820)	726.Ap.J	n	(P-1148)
721.131	am	(P-820) (P-15910/91; A-2600)	726.Ap.K 726.Ap.L	n n	(P-1148) (P-1148)
721.132	am	(P-820)	726.Tb.A	n	(P-1148)

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728.107	(P-916)	731.174
728.109	(P-916)	731.190
728.110	(P-916)	731.191
728.111	(P-916)	731.192
728.112	(P-916)	731.193
728.113	(P-916)	731.194
728.113	(P-916)	731.195
728.133	(P-916)	731.196
728.135	(P-916)	731.197
728.140	(P-916)	731.198
728.142	(P-916)	731.199
728.144	(P-916)	731.200
728.Ap.D	(P-916)	731.202
728.Ap.E	(P-916)	731.203
728.Ap.G	(P-916)	731.204
728.Ap.H	(P-916)	731.205
728.Ap.I	(P-916)	731.206
728.Tb.A	(P-916)	731.207
728.Tb.B	(P-916)	731.208
728.Tb.C	(P-916)	731.209
728.Tb.D	(P-916)	731.210
728.Tb.E	(P-916)	731.211
731.110	(P-2330; A-7407)	731.Ap.A
731.111	(P-2330; A-7407)	731.Ap.C
731.112	(P-2330; A-7407)	809.901
731.113	(P-2330; A-7407)	809.902
731.114	(P-2330; A-7407)	809.903
731.120	(P-2330; A-7407)	809.904
731.121	(P-2330; A-7407)	809.905
731.122	(P-2330; A-7407)	809.906
731.130	(P-2330; A-7407)	848.101
731.131	(P-2330; A-7407)	848.202
731.132	(P-2330; A-7407)	848.205
731.133	(P-2330; A-7407)	848.206
731.134	(P-2330; A-7407)	848.207
731.140	(P-2330; A-7407)	848.208
731.141	(P-2330; A-7407)	849.101
731.142	(P-2330; A-7407)	849.102
731.143	(P-2330; A-7407)	849.103
731.144	(P-2330; A-7407)	849.104
731.145	(P-2330; A-7407)	849.105
731.150	(P-2330; A-7407)	849.106
731.151	(P-2330; A-7407)	858.207
731.152	(P-2330; A-7407)	859.101
731.153	(P-2330; A-7407)	859.102
731.161	(P-2330; A-7407)	859.103
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731.171	(P-2330; A-7407)	859.203
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731.173	(P-2330; A-7407)	859.205

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310.103	am	(P-1961)	2008.10	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.106	am	(P-1961)	2008.20	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.107	am	(P-1961)	2008.30	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.109	am	(P-1961)	2008.40	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.110	am	(P-1961)	2008.50	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.111	am	(P-1961)	2008.60	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.113	am	(P-1961)	2008.61	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.114	am	(P-1961)	2008.70	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.201	am	(P-1961)	2008.71	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.202	am	(P-1961)	2008.72	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.203	am	(P-1961)	2008.73	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.204	am	(P-1961)	2008.74	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.205	am	(P-1961)	2008.75	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.206	am	(P-1961)	2008.80	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.301	am	(P-1961)	2008.81	r	(P-14859/91; PF-1743; W-2956; A-2766)
310.302	am	(P-1961)	2008.82	n	(P-14859/91; PF-1743; W-2956; A-2766)
310.303	am	(P-1961)	2008.90	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.304	am	(P-1961)	2008.100	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.305	am	(P-1961)	2008.101	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.307	am	(P-1961)	2008.102	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.309	am	(P-1961)	2008.103	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.401	am	(P-1961)	2008.104	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.402	am	(P-1961)			
310.403	am	(P-1961)			
310.404	am	(P-1961)			
310.405	am	(P-1961)			
310.602	am	(P-1961)			
310.603	am	(P-1961)			
310.604	am	(P-1961)			
310.701	am	(P-1961)			
310.702	am	(P-1961)			
310.703	am	(P-1961)			
310.801	am	(P-1961)			
310.802	am	(P-1961)			
310.803	am	(P-1961)			
310.804	am	(P-1961)			
310.805	am	(P-1961)			
310.901	am	(P-1961)			
310.902	am	(P-1961)			
310.913	am	(P-1961)			
350.213	n	(P-5185) (E-5369)			

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904.30	am	(P-4159)
932.20	am	(P-7279)
932.40	am	(P-7279)
932.60	am	(P-7279)

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2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.40	n	(P-6925)
2008. Ap.A	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.50	n	(P-6925)
2008. Ap.B	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2600.50	am	(P-7120)
2008. Ap.C	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2720.2	n	(E-7506)
2008. Ap.C	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2725.2	n	(E-7502)
2008. Ap.C	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3313.40	am	(P-15244/91; A-5329)
2008. Ap.D	r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3119.40	am	(P-11055/91; A-126)
2008. Ap.D	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	6701. Ex.A	am	(P-17013/91; A-5326)
2008. Ap.D	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.E	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.E	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.F	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.G	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.H	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.I	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.J	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.K	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.L	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.M	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.M	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.N	r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.N	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.O	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.O	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2008. Ap.P	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)			
2015.10	n	(P-6925)			
2015.20	n	(P-6925)			
2015.30	n	(P-6925)			

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300.410	r	(P-4626; C-6897)	350.300	n	(P-3260)
300.420	r	(P-4626; C-6897)	350.310	n	(P-3260)
300.430	r	(P-4626; C-6897)	350.400	n	(P-4645; C-6057)
300.440	n	(P-4626; C-6897)	350.410	n	(P-4645; C-6057)
300.450	n	(P-4626; C-6897)	350.420	n	(P-4645; C-6057)
300.460	n	(P-4626; C-6897)	350.430	n	(P-4645; C-6057)
300.500	n	(P-4626; C-6897)	350.440	n	(P-4645; C-6057)
300.510	n	(P-4626; C-6897)	350.450	n	(P-4645; C-6057)
300.520	n	(P-4626; C-6897)	350.460	n	(P-4645; C-6057)
300.600	n	(P-4626; C-6897)	350.470	n	(P-4645; C-6057)
300.610	n	(P-4626; C-6897)	350.480	n	(P-4645; C-6057)
300.620	n	(P-4626; C-6897)	350.490	n	(P-4645; C-6057)
300.630	n	(P-4626; C-6897)	350.500	n	(P-4645; C-6057)
300.640	n	(P-4626; C-6897)	350.510	n	(P-4645; C-6057)
300.700	n	(P-4626; C-6897)	350.520	n	(P-4645; C-6057)
300.710	n	(P-4626; C-6897)	350.530	n	(P-4645; C-6057)
300.720	n	(P-4626; C-6897)	350.540	n	(P-4645; C-6057)
300.730	n	(P-4626; C-6897)	350.550	n	(P-4645; C-6057)
300.740	n	(P-4626; C-6897)	350.560	n	(P-4645; C-6057)
300.750	n	(P-4626; C-6897)	350.570	n	(P-4645; C-6057)
300.760	n	(P-4626; C-6897)	350.580	n	(P-4645; C-6057)
300.770	n	(P-4626; C-6897)	350.590	n	(P-4645; C-6057)
300.780	n	(P-4626; C-6897)	350.600	n	(P-4645; C-6057)
300.790	n	(P-4626; C-6897)	350.610	n	(P-4645; C-6057)
300.800	n	(P-4626; C-6897)	350.620	n	(P-4645; C-6057)
300.810	n	(P-4626; C-6897)	350.630	n	(P-4645; C-6057)
300.820	n	(P-4626; C-6897)	350.640	n	(P-4645; C-6057)
300.830	n	(P-4626; C-6897)	350.650	n	(P-4645; C-6057)
300.840	n	(P-4626; C-6897)	350.660	n	(P-4645; C-6057)
300.850	n	(P-4626; C-6897)	350.670	n	(P-4645; C-6057)
300.860	n	(P-4626; C-6897)	350.680	n	(P-4645; C-6057)
300.870	n	(P-4626; C-6897)	350.690	n	(P-4645; C-6057)
300.880	n	(P-4626; C-6897)	350.700	n	(P-4645; C-6057)
300.890	n	(P-4626; C-6897)	350.710	n	(P-4645; C-6057)
300.900	n	(P-4626; C-6897)	350.720	n	(P-4645; C-6057)
300.910	n	(P-4626; C-6897)	350.730	n	(P-4645; C-6057)
300.920	n	(P-4626; C-6897)	350.740	n	(P-4645; C-6057)
300.930	n	(P-4626; C-6897)	350.750	n	(P-4645; C-6057)
300.940	n	(P-4626; C-6897)	350.760	n	(P-4645; C-6057)
300.950	n	(P-4626; C-6897)	350.770	n	(P-4645; C-6057)
300.960	n	(P-4626; C-6897)	350.780	n	(P-4645; C-6057)
300.970	n	(P-4626; C-6897)	350.790	n	(P-4645; C-6057)
300.980	n	(P-4626; C-6897)	350.800	n	(P-4645; C-6057)
300.990	n	(P-4626; C-6897)	350.810	n	(P-4645; C-6057)
300.1000	n	(P-4626; C-6897)	350.820	n	(P-4645; C-6057)
300.1010	n	(P-4626; C-6897)	350.830	n	(P-4645; C-6057)
300.1020	n	(P-4626; C-6897)	350.840	n	(P-4645; C-6057)
350.10	am	(P-1)	350.850	n	(P-4645; C-6057)
350.280	am	(P-1) (P-3780)	350.860	n	(P-4645; C-6057)
350.290	n	(P-3260)	350.870	n	(P-4645; C-6057)

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2725.245	am	(P-3734)	5300.940	am	(P-10521/91; A-7838)
2732.203	n	(P-3248; A-8173)	5300.950	am	(P-10521/91; A-7838)
2732.220	n	(P-3248; A-8173)	5300.960	am	(P-10521/91; A-7838)
2732.305	n	(P-785)	5300.1145	n	(P-10521/91; A-7838)
2760.110	am	(P-14023/91; A-3993)	5300.1150	am	(P-10521/91; A-7838)
2760.120	am	(P-14023/91; A-3993)	5300.1160	am	(P-10521/91; A-7838)
2760.125	am	(P-14023/91; A-3993)	5400.110	am	(P-1490) (E-1693)
2760.130	am	(P-14023/91; A-3993)	5400.210	am	(P-1490) (E-1693)
2760.145	am	(P-14023/91; A-3993)	5400.310	am	(P-1490) (E-1693)
2760.150	am	(P-14023/91; A-3993)	6000.30	am	(P-5399)
2765.45	am	(P-14032/91; A-2131)	6000.340	n	(P-7543) (E-7716)
2765.55	am	(P-14032/91; A-2131)			
2765.60	am	(P-14032/91; A-2131)			
2765.68	am	(P-14032/91; A-2131)			
2770.110	am	(P-13252/91; A-118)			
5300.10	am	(P-10521/91; A-7838)			
5300.20	am	(P-10521/91; A-7838)			
5300.30	am	(P-10521/91; A-7838)			
5300.40	am	(P-10521/91; A-7838)			
5300.210	am	(P-10521/91; A-7838)			
5300.310	am	(P-10521/91; A-7838)			
5300.450	am	(P-10521/91; A-7838)			
5300.460	am	(P-10521/91; A-7838)			
5300.550	r	(P-10521/91; A-7838)			
5300.560	am	(P-10521/91; A-7838)			
5300.570	r	(P-10521/91; A-7838)			
5300.610	am	(P-10521/91; A-7838)			
5300.620	am	(P-10521/91; A-7838)			
5300.630	am	(P-10521/91; A-7838)			
5300.640	am	(P-10521/91; A-7838)			
5300.650	am	(P-10521/91; A-7838)			
5300.660	am	(P-10521/91; A-7838)			
5300.720	am	(P-10521/91; A-7838)			
5300.730	am	(P-10521/91; A-7838)			
5300.735	n	(P-10521/91; A-7838)			
5300.745	n	(P-10521/91; A-7838)			
5300.750	am	(P-10521/91; A-7838)			
5300.760	am	(P-10521/91; A-7838)			
5300.765	n	(P-10521/91; A-7838)			
5300.770	r	(P-10521/91; A-7838)			
5300.782	r	(P-10521/91; A-7838)			
5300.783	r	(P-10521/91; A-7838)			
5300.784	r	(P-10521/91; A-7838)			
5300.785	r	(P-10521/91; A-7838)			
5300.786	r	(P-10521/91; A-7838)			
5300.787	r	(P-10521/91; A-7838)			
5300.825	am	(P-10521/91; A-7838)			
5300.865	am	(P-10521/91; A-7838)			
5300.920	am	(P-10521/91; A-7838)			
5300.930	am	(P-10521/91; A-7838)			

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TITLE 59 (CONT'D)			TITLE 68 (CONT'D)		
132.160	n	(P-7) (E-211)	870.230	n	(P-12094/91; A-3096)
132.165	n	(P-7) (E-211)	870.235	n	(P-12094/91; A-3096)
132.170	n	(P-7) (E-211)	870.240	n	(P-12094/91; A-3096)
132.Ap.A	n	(P-7) (E-211)	870.245	n	(P-12094/91; A-3096)
132.Ap.B	n	(P-7) (E-211)	870.300	n	(P-12094/91; A-3096)
TITLE 62			870.305	n	(P-12094/91; A-3096)
.Th.A	n	(P-7) (E-211)	870.310	n	(P-12094/91; A-3096)
.Th.B	n	(P-7) (E-211)	870.315	n	(P-12094/91; A-3096)
.Th.C	n	(P-7) (E-211)	870.320	n	(P-12094/91; A-3096)
135.30	am	(E-2648)	870.325	n	(P-12094/91; A-3096)
200.12	am	(P-3267)	870.400	n	(P-12094/91; A-3096)
200.201	am	(P-3267)	870.405	n	(P-12094/91; A-3096)
200.402	am	(P-3267)	870.500	n	(P-12094/91; A-3096)
200.500	am	(P-3267)	870.505	n	(P-12094/91; A-3096)
200.600	am	(P-3267)	870.510	n	(P-12094/91; A-3096)
200.603	am	(P-3267)	870.515	n	(P-12094/91; A-3096)
200.604	am	(P-3267)	870.520	n	(P-12094/91; A-3096)
200.806	am	(P-3267)	870.525	n	(P-12094/91; A-3096)
200.Ap.B	n	(P-3267)	1130.10	n	(P-2010)
220.190	am	(P-3316)	1130.20	n	(P-2010)
240.10	am	(P-3282)	1130.30	n	(P-2010)
240.500	n	(P-3282)	1130.40	n	(P-2010)
240.510	r	(P-3282)	1130.50	n	(P-2010)
240.510	n	(P-3282)	1130.60	n	(P-2010)
240.520	r	(P-3282)	1130.70	n	(P-2010)
240.520	n	(P-3282)	1150.20	am	(P-2492/91; A-3143)
240.530	r	(P-3282)	1150.30	am	(P-2492/91; A-3143)
240.530	n	(P-3282)	1150.40	am	(P-2492/91; A-3143)
240.540	n	(P-3282)	1150.50	am	(P-2492/91; A-3143)
240.550	n	(P-3282)	1150.60	am	(P-2492/91; A-3143)
240.610	am	(P-3282)	1150.65	am	(P-2492/91; A-3143)
240.630	am	(P-3282)	1150.70	am	(P-2492/91; A-3143)
240.640	am	(P-3282)	1150.80	am	(P-2492/91; A-3143)
240.710	am	(P-3282)	1150.90	am	(P-2492/91; A-3143)
240.760	am	(P-3282)	1150.100	am	(P-2492/91; A-3143)
240.780	am	(P-3282)	1150.11.A	am	(P-2492/91; A-3143)
240.995	r	(P-14365/91; P-14679/91; A-2576)	1150.80	am	(P-2492/91; A-3143)
240.1110	am	(P-3282)	1175.565	am	(P-8033)
240.1130	am	(P-3282)	1200.30	am	(P-14369/91; A-3169)
240.1150	am	(P-3282)	1255.10	n	(P-17030/91; A-3194)
240.1160	n	(P-3282)	1255.20	n	(P-17030/91; A-3194)
240.1170	am	(P-3282)	1255.30	n	(P-17030/91; A-3194)
240.1180	r	(P-3282)	1255.40	n	(P-17030/91; A-3194)
240.1400	r	(P-14365/91; P-14679/91; A-2576)	1255.50	n	(P-17030/91; A-3194)
240.1400	n	(P-14365/91; P-14679/91; A-2576)	1255.60	n	(P-17030/91; A-3194)
			1255.70	n	(P-17030/91; A-3194)
			1255.80	n	(P-17030/91; A-3194)
			1255.90	n	(P-17030/91; A-3194)
			1275.40	am	(P-5741)

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110.50	n	(P-3689)	350.120	am	(P-4280/91; A-594)
110.60	n	(P-3689)	350.330	am	(P-4280/91; A-594)
110.70	n	(P-3689)	350.3730	am	(P-4791)
2000.45	am	(P-1511)	390.120	am	(P-4309/91; A-623)
2000.100	am	(P-1511)	390.330	am	(P-4309/91; A-623)
2000.210	am	(P-1511)	395.100	am	(P-8066)
2000.245	am	(P-1511)	395.110	am	(P-8066)
2000.250	am	(P-1511)	395.120	am	(P-8066)
2000.320	am	(P-1511)	395.130	am	(P-8066)
2000.340	am	(P-1511)	395.140	am	(P-8066)
2000.410	am	(P-1511)	395.150	am	(P-8066)
2000.430	am	(P-1511)	395.160	am	(P-8066)
2000.500	am	(P-1511)	395.170	am	(P-8066)
2000.520	am	(P-1511)	395.180	am	(P-8066)
2000.540	am	(P-1511)	395.190	am	(P-8066)
2300.10	n	(P-2310; A-8178)	395.200	r	(P-8066)
2300.30	n	(P-2310; A-8178)	395.300	am	(P-8066)
2300.50	n	(P-2310; A-8178)	395.400	am	(P-8066)
2300.70	n	(P-2310; A-8178)	630.20	am	(P-8103)
2300.80	n	(A-8178)	630.90	am	(P-8103)
2300.90	n	(A-8178)	630.200	am	(P-8103)
			692.10	n	(P-14389/91; A-4052)
			692.4p.A	n	(P-14389/91; A-4052)
			692.4p.B	n	(P-14389/91; A-4052)
			693.10	am	(P-16874/91; RC-4556; A-5921)
			693.15	am	(P-16874/91; A-5921)
			693.30	am	(P-16874/91; RC-4556; A-5921)
			693.40	am	(P-16874/91; RC-4556; A-5921)
			693.45	n	(P-16874/91; A-5921)
			693.100	am	(P-16874/91; A-5921)
			694.220	am	(P-6972/91; A-5916)
			750.5	am	(P-5836)
			750.10	am	(P-5836)
			750.100	am	(P-5836)
			750.110	am	(P-5836)
			750.1000	am	(P-5836)
			750.2000	n	(P-5836)
			750.2010	n	(P-5836)
			750.2020	n	(P-5836)
			750.2030	n	(P-5836)
			750.2031	n	(P-5836)
			750.2032	n	(P-5836)
			750.2040	n	(P-5836)
			750.2041	n	(P-5836)
			750.2042	n	(P-5836)
			750.2050	n	(P-5836)
			750.2060	n	(P-5836)
			750.2070	n	(P-5836)

TITLE 74

750.40	am	(P-15035/91; A-203)
750.4p.B	am	(P-15035/91; A-203)
750.4p.C	n	(P-15035/91; A-203)

TITLE 77

205.620	am	(P-3426)
250.2720	n	(P-2016)
300.110	am	(P-2034)
300.120	am	(P-4367/91; A-681)
300.140	am	(P-2034)
300.150	am	(P-2034)
300.330	am	(P-4367/91; A-681)
		(P-2034)
300.620	am	(P-4367/91; A-681)
300.630	am	(P-2034)
300.1010	am	(P-2034)
300.1220	am	(P-2034)
300.1240	am	(P-2034)
300.2070	am	(P-2034)
300.2420	am	(P-14039/91; A-5977)
300.3060	am	(P-2034)
300.3100	am	(P-2034)
300.3310	am	(P-2034)
300.3710	am	(P-2034)
300.4p.B	r	(P-2034)
330.120	am	(P-4338/91; A-651)
330.330	am	(P-4338/91; A-651)

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750.2080	n	(P-5836)	790.820	am	(P-4782) (E-4899)
750.3000	n	(P-5836)	790.830	am	(P-4782) (E-4899)
750.3100	n	(P-5836)	790.860	am	(P-4782) (E-4899)
750.3200	n	(P-5836)	790.900	am	(P-4782) (E-4899)
760.15	am	(P-5861)	790.910	am	(P-4782) (E-4899)
760.20	am	(P-5861)	790.920	am	(P-15943/91; A-5941; C-7512)
760.100	am	(P-5861)	790.980	am	(P-4782) (E-4899)
760.110	am	(P-5861)	790.1060	am	(P-4782) (E-4899)
760.900	am	(P-5861)	790.1112	am	(P-4782) (E-4899)
760.2000	n	(P-5861)	790.1120	am	(P-4782) (E-4899)
760.2010	n	(P-5861)	790.1140	am	(P-4782) (E-4899)
760.2020	n	(P-5861)	790.1300	am	(P-4782) (E-4899)
760.2030	n	(P-5861)	790.1345	am	(P-4782) (E-4899)
760.2031	n	(P-5861)	790.1350	am	(P-15943/91; A-5941; C-7512) (P-4782)
760.2032	n	(P-5861)			(E-4899)
760.2040	n	(P-5861)	790.1388	n	(P-4782) (E-4899)
760.2041	n	(P-5861)			(P-15943/91; A-5941; C-7512)
760.2042	n	(P-5861)			(P-4782) (E-4899)
760.2050	n	(P-5861)	790.1420	am	(P-4782) (E-4899)
760.2060	n	(P-5861)	790.1460	am	(P-4782) (E-4899)
760.2070	n	(P-5861)	790.1490	am	(P-4782) (E-4899)
760.3000	n	(P-5861)	790.1500	am	(P-4782) (E-4899)
760.3100	n	(P-5861)	790.1540	am	(P-4782) (E-4899)
760.3200	n	(P-5861)	790.1560	am	(P-4782) (E-4899)
770.10	r	(P-5885)	790.1570	am	(P-4782) (E-4899)
770.20	r	(P-5885)	790.1660	am	(P-4782) (E-4899)
770.30	r	(P-5885)	790.1685	am	(P-4782) (E-4899)
790.40	am	(P-15943/91; A-5941; C-7512)	790.1700	am	(P-4782) (E-4899)
790.480	am	(P-4782) (E-4899)	790.1710	am	(P-4782) (E-4899)
790.500	am	(P-4782) (E-4899)	790.1740	am	(P-4782) (E-4899)
790.540	am	(P-4782) (E-4899)	790.1820	am	(P-4782) (E-4899)
790.548	am	(P-4782) (E-4899)	790.1830	n	(P-4782) (E-4899)
790.580	am	(P-4782) (E-4899)	790.1860	am	(P-4782) (E-4899)
790.600	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.1950	am	(P-15943/91; A-5941; C-7512) (P-4782)
		(E-4899)			(E-4899)
790.620	am	(P-4782) (E-4899)	790.1980	am	(P-4782) (E-4899)
790.660	am	(P-4782) (E-4899)	790.2020	am	(P-4782) (E-4899)
790.700	am	(P-4782) (E-4899)	790.2097	am	(P-4782) (E-4899)
790.706	am	(P-4782) (E-4899)	790.2100	am	(P-4782) (E-4899)
790.721	am	(P-4782) (E-4899)	790.2140	am	(P-4782) (E-4899)
790.740	am	(P-4782) (E-4899)	790.2155	am	(P-4782) (E-4899)
790.760	am	(P-4782) (E-4899)	790.2180	am	(P-4782) (E-4899)
790.780	am	(P-4782) (E-4899)	790.2260	am	(P-4782) (E-4899)
790.788	am	(P-4782) (E-4899)	790.2380	am	(P-4782) (E-4899)
790.799	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.2390	am	(P-4782) (E-4899)
		(E-4899)	790.2462	am	(P-4782) (E-4899)
			790.2470	am	(P-4782) (E-4899)

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790.2485	am	(P-15943/91; A-5941; C-7512)	790.3860	am	(P-4782) (E-4899)
790.2500	am	(P-4782) (E-4899)	790.3875	n	(P-4782) (E-4899)
790.2510	am	(P-4782) (E-4899)	790.3907	am	(P-4782) (E-4899)
790.2540	am	(P-4782) (E-4899)	790.3910	am	(P-4782) (E-4899)
790.2580	am	(P-15943/91; A-5941; C-7512) (P-4782)			(P-15943/91; A-5941; C-7512)
		(E-4899)	790.3940	am	(P-4782) (E-4899)
790.2603	am	(P-15943/91; A-5941; C-7512)	790.3945	am	(P-4782) (E-4899)
790.2605	am	(P-4782) (E-4899)	790.3980	am	(P-4782) (E-4899)
790.2613	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.3996	am	(P-4782) (E-4899)
		(E-4899)	790.4012	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.4040	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)			(P-15943/91; A-5941; C-7512)
790.2617	am	(P-4782) (E-4899)	790.4060	am	(P-4782) (E-4899)
790.2618	am	(P-4782) (E-4899)	790.4100	am	(P-4782) (E-4899)
790.2620	am	(P-4782) (E-4899)	790.4140	am	(P-4782) (E-4899)
790.2661	am	(P-4782) (E-4899)	790.4173	am	(P-4782) (E-4899)
790.2780	am	(P-4782) (E-4899)	790.4180	am	(P-4782) (E-4899)
790.2805	am	(P-15943/91; A-5941; C-7512)	790.4220	am	(P-4782) (E-4899)
		(E-4899)	790.4260	am	(P-4782) (E-4899)
790.2900	am	(P-4782) (E-4899)	790.4300	am	(P-4782) (E-4899)
790.2902	am	(P-4782) (E-4899)	790.4385	am	(P-4782) (E-4899)
790.2904	am	(P-4782) (E-4899)	790.4386	am	(P-4782) (E-4899)
790.2980	am	(P-4782) (E-4899)	790.4396	am	(P-4782) (E-4899)
790.3020	am	(P-4782) (E-4899)	790.4398	am	(P-4782) (E-4899)
790.3021	am	(P-4782) (E-4899)	790.4420	am	(P-4782) (E-4899)
790.3027	am	(P-15943/91; A-5941)	790.4580	am	(P-4782) (E-4899)
790.3029	am	(P-4782) (E-4899)	790.4620	am	(P-4782) (E-4899)
790.3049	am	(P-4782) (E-4899)	790.4660	am	(P-4782) (E-4899)
790.3054	am	(P-4782) (E-4899)	790.4670	am	(P-4782) (E-4899)
790.3085	am	(P-4782) (E-4899)	790.4700	am	(P-4782) (E-4899)
790.3100	am	(P-4782) (E-4899)	790.4720	am	(P-4782) (E-4899)
790.3260	am	(P-4782) (E-4899)	790.4740	am	(P-4782) (E-4899)
790.3300	am	(P-4782) (E-4899)	790.4780	am	(P-4782) (E-4899)
790.3308	am	(P-4782) (E-4899)	790.4840	am	(P-4782) (E-4899)
790.3315	am	(P-4782) (E-4899)	790.4860	am	(P-4782) (E-4899)
790.3335	am	(P-4782) (E-4899)	790.4900	am	(P-4782) (E-4899)
790.3340	am	(P-4782) (E-4899)	790.4965	am	(P-4782) (E-4899)
790.3420	am	(P-4782) (E-4899)	790.4980	am	(P-4782) (E-4899)
790.3437	am	(P-4782) (E-4899)	790.5060	am	(P-4782) (E-4899)
790.3472	am	(P-4782) (E-4899)	790.5100	am	(P-4782) (E-4899)
790.3480	n	(P-4782) (E-4899)	790.5140	am	(P-4782) (E-4899)
790.3492	n	(P-4782) (E-4899)	790.5180	am	(P-4782) (E-4899)
790.3495	n	(P-4782) (E-4899)			(P-15943/91; A-5941; C-7512)
790.3540	am	(P-4782) (E-4899)			(P-4782) (E-4899)
790.3620	am	(P-4782) (E-4899)	790.5220	am	(P-4782) (E-4899)
790.3700	am	(P-4782) (E-4899)	790.5300	am	(P-4782) (E-4899)
790.3742	am	(P-4782) (E-4899)			(P-4782) (E-4899)
790.3780	am	(P-4782) (E-4899)			(P-4782) (E-4899)

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790.5312	am	(P-4782) (E-4899)	790.6670	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)	790.6780	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)			(P-4782) (E-4899)
790.5320	am	(P-4782) (E-4899)	790.6800	am	(P-4782) (E-4899)
790.5380	am	(P-4782) (E-4899)	790.6820	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)	790.6860	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.6875	am	(P-4782) (E-4899)
790.5420	am	(P-4782) (E-4899)	790.6885	am	(P-4782) (E-4899)
790.5483	am	(P-4782) (E-4899)	790.6895	am	(P-4782) (E-4899)
790.5500	am	(P-4782) (E-4899)	790.6940	am	(P-4782) (E-4899)
790.5540	am	(P-4782) (E-4899)	790.6960	am	(P-4782) (E-4899)
790.5544	am	(P-4782) (E-4899)	790.6980	am	(P-4782) (E-4899)
790.5620	am	(P-4782) (E-4899)	790.7100	am	(P-4782) (E-4899)
790.5640	am	(P-15943/91; A-5941)	790.7120	am	(P-4782) (E-4899)
790.5700	am	(P-4782) (E-4899)	790.7130	am	(P-4782) (E-4899)
790.5740	am	(P-4782) (E-4899)	790.7140	am	(P-4782) (E-4899)
790.5788	n	(P-4782) (E-4899)	790.7180	am	(P-4782) (E-4899)
790.5792	am	(P-4782) (E-4899)	790.7229	am	(P-4782) (E-4899)
790.5802	am	(P-4782) (E-4899)	790.7265	am	(P-4782) (E-4899)
790.5807	am	(P-4782) (E-4899)	790.7280	am	(P-4782) (E-4899)
790.5820	am	(P-4782) (E-4899)	790.7291	am	(P-4782) (E-4899)
790.5830	am	(P-4782) (E-4899)	790.7296	am	(P-4782) (E-4899)
790.5872	am	(P-4782) (E-4899)	790.7380	am	(P-4782) (E-4899)
790.5900	am	(P-4782) (E-4899)	790.7400	am	(P-4782) (E-4899)
790.5940	am	(P-4782) (E-4899)	790.7420	am	(P-4782) (E-4899)
790.5980	am	(P-4782) (E-4899)	790.7500	am	(P-4782) (E-4899)
790.6020	r	(P-4782) (E-4899)	790.7510	am	(P-4782) (E-4899)
790.6140	am	(P-4782) (E-4899)	790.7540	am	(P-4782) (E-4899)
790.6180	am	(P-4782) (E-4899)	790.7580	am	(P-4782) (E-4899)
790.6260	am	(P-4782) (E-4899)	790.7700	am	(P-4782) (E-4899)
790.6275	am	(P-4782) (E-4899)	790.7740	am	(P-4782) (E-4899)
790.6277	am	(P-4782) (E-4899)	790.7820	am	(P-4782) (E-4899)
790.6280	r	(P-4782) (E-4899)			(P-4782) (E-4899)
790.6300	am	(P-4782) (E-4899)			(P-15943/91; A-5941; C-7512)
790.6340	am	(P-4782) (E-4899)			(P-4782) (E-4899)
790.6370	am	(P-4782) (E-4899)			(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)	790.7834	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.7860	am	(P-4782) (E-4899)
790.6375	am	(P-4782) (E-4899)	790.7940	am	(P-4782) (E-4899)
790.6420	am	(P-4782) (E-4899)	790.7980	am	(P-4782) (E-4899)
790.6452	am	(P-4782) (E-4899)	790.8015	am	(P-4782) (E-4899)
790.6456	am	(P-4782) (E-4899)	790.8020	am	(P-4782) (E-4899)
790.6460	am	(P-4782) (E-4899)	790.8106	am	(P-4782) (E-4899)
790.6480	am	(P-4782) (E-4899)	790.8136	am	(P-4782) (E-4899)
790.6500	am	(P-4782) (E-4899)	790.8248	am	(P-4782) (E-4899)
790.6540	am	(P-4782) (E-4899)	790.8300	am	(P-4782) (E-4899)
790.6570	r	(P-4782) (E-4899)	790.8420	am	(P-4782) (E-4899)
790.6580	am	(P-4782) (E-4899)	790.8540	am	(P-4782) (E-4899)

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790.8580	am	(P-4782) (E-4899) (P-15943/91; A-5941; C-7512)
790.8620	am	(P-4782) (E-4899)
790.8700	am	(P-4782) (E-4899)
790.8710	am	(P-4782) (E-4899)
790.8724	am	(P-4782) (E-4899)
790.8740	am	(P-4782) (E-4899)
790.8780	am	(P-4782) (E-4899)
790.8820	am	(P-4782) (E-4899)
790.8900	am	(P-4782) (E-4899)
790.8940	am	(P-4782) (E-4899)
790.8980	am	(P-4782) (E-4899)
790.9020	am	(P-4782) (E-4899)
790.9035	am	(P-4782) (E-4899)
790.9045	am	(P-4782) (E-4899)
790.9048	am	(P-4782) (E-4899)
790.9050	am	C-7512 (P-15943/91; A-5941; C-7512)
790.9056	am	(P-4782) (E-4899)
790.9060	am	(P-4782) (E-4899)
790.9084	am	(P-4782) (E-4899)
790.9100	am	(P-4782) (E-4899)
790.9140	am	(P-4782) (E-4899)
790.9180	am	(P-4782) (E-4899)
790.9220	am	(P-4782) (E-4899)
790.9260	am	(P-4782) (E-4899)
790.9300	am	(P-4782) (E-4899)
790.9340	am	(P-4782) (E-4899)
790.9380	am	(P-4782) (E-4899)
790.9420	am	(P-4782) (E-4899)
790.9460	am	(P-4782) (E-4899)
790.9500	am	(P-4782) (E-4899)
790.9520	am	(P-4782) (E-4899)
790.9530	am	(P-4782) (E-4899)
790.9580	am	(P-4782) (E-4899)
795.10	n	(P-8136)
795.20	n	(P-8136)
795.30	n	(P-8136)
795.40	n	(P-8136)
795.50	n	(P-8136)
795.60	n	(P-8136)
795.70	n	(P-8136)
795.80	n	(P-8136)
795.90	n	(P-8136)
795.100	n	(P-8136)
795.110	n	(P-8136)
795.120	n	(P-8136)
795.130	n	(P-8136)
795.140	n	(P-8136)
795.150	n	(P-8136)
795.160	n	(P-8136)
795.170	n	(P-8136)
795.180	n	(P-8136)
795.190	n	(P-8136)
795.200	n	(P-8136)
795.210	n	(P-8136)
795.220	n	(P-8136)
830.10	am	(P-2092)
830.880	am	(P-2092)
830.885	am	(P-2092)
830.890	am	(P-2092)
830.900	am	(P-2092)
840.20	am	(P-4329)
840.115	am	(P-4329)
840.210	am	(P-4329)
840.215	am	(P-4329)
840.305	am	(P-4329)
840.310	am	(P-4329)
840. Ap.B	am	(P-4329)
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.Ex.B	am	(P-4329)
905.15	am	(P-8128)
905.100	am	(P-8128)
1120.10	n	(P-5205)
1120.20	n	(P-5205)
1120.110	n	(P-5205)
1120.120	n	(P-5205)
1120.130	n	(P-5205)
1120.210	n	(P-5205)
1120.310	n	(P-5205)
1120. Ap.A	n	(P-5205)
1130.140	am	(P-4755)
1130.220	am	(P-4755)
1130.410	am	(P-4755)
1130.510	am	(P-4755)
1130.620	am	(P-4755)
1130.630	am	(P-4755)
1130.640	am	(P-4755)
1130.710	am	(P-4755)
1130.720	am	(P-4755)
1130.730	am	(P-4755)
1130.740	am	(P-4755)

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1130.770 am	(P-4755)	2030.210 r	(P-9153/91; A-2530)
1130.780 am	(P-4755)	2030.210 n	(P-9083/91; A-2457)
1190.30 am	(P-3063)	2030.220 r	(P-9153/91; A-2530)
1230.10 r	(P-5187)	2030.220 n	(P-9083/91; A-2457)
1230.20 r	(P-5187)	2030.230 r	(P-9153/91; A-2530)
1230.30 r	(P-5187)	2030.230 n	(P-9083/91; A-2457)
1230.110 r	(P-5187)	2030.310 r	(P-9153/91; A-2530)
1230.120 r	(P-5187)	2030.310 n	(P-9083/91; A-2457)
1230.210 r	(P-5187)	2030.320 r	(P-9153/91; A-2530)
1230.220 r	(P-5187)	2030.320 n	(P-9083/91; A-2457)
1230.230 r	(P-5187)	2030.330 r	(P-9153/91; A-2530)
1230.240 r	(P-5187)	2030.330 n	(P-9083/91; A-2457)
1230.250 r	(P-5187)	2030.340 r	(P-9153/91; A-2530)
1230.260 r	(P-5187)	2030.340 n	(P-9083/91; A-2457)
1230.310 r	(P-5187)	2030.350 r	(P-9153/91; A-2530)
1230.320 r	(P-5187)	2030.350 n	(P-9083/91; A-2457)
1230.410 r	(P-5187)	2030.360 r	(P-9153/91; A-2530)
1230.420 r	(P-5187)	2030.410 n	(P-9083/91; A-2457)
1230.7b.A	(P-5187)	2030.410 r	(P-9153/91; A-2530)
1230.7b.B	(P-5187)	2030.420 n	(P-9083/91; A-2457)
1240.10 r	(P-5225)	2030.430 r	(P-9153/91; A-2530)
1240.20 r	(P-5225)	2030.430 n	(P-9083/91; A-2457)
1240.30 r	(P-5225)	2030.440 r	(P-9153/91; A-2530)
1240.40 r	(P-5225)	2030.440 n	(P-9083/91; A-2457)
1240.50 r	(P-5225)	2030.450 r	(P-9153/91; A-2530)
1240.60 r	(P-5225)	2030.450 n	(P-9083/91; A-2457)
1240.70 r	(P-5225)	2030.510 r	(P-9153/91; A-2530)
1240.Ap.A	(P-5225)	2030.510 n	(P-9083/91; A-2457)
2030.10 r	(P-9083/91; A-2457)	2030.520 r	(P-9153/91; A-2530)
2030.10 r	(P-9153/91; A-2530)	2030.520 n	(P-9083/91; A-2457)
2030.20 n	(P-9083/91; A-2457)	2030.530 r	(P-9153/91; A-2530)
2030.20 r	(P-9153/91; A-2530)	2030.540 n	(P-9083/91; A-2457)
2030.30 n	(P-9083/91; A-2457)	2030.550 r	(P-9153/91; A-2530)
2030.30 r	(P-9153/91; A-2530)	2030.610 r	(P-9083/91; A-2457)
2030.40 n	(P-9083/91; A-2457)	2030.610 n	(P-9153/91; A-2530)
2030.40 r	(P-9153/91; A-2530)	2030.620 r	(P-9083/91; A-2457)
2030.50 r	(P-9153/91; A-2530)	2030.620 n	(P-9153/91; A-2530)
2030.100 n	(P-9153/91; A-2530)	2030.630 r	(P-9083/91; A-2457)
2030.105 n	(P-9083/91; A-2457)	2030.640 r	(P-9153/91; A-2530)
2030.107 n	(P-9083/91; A-2457)	2030.710 r	(P-9153/91; A-2530)
2030.110 r	(P-9153/91; A-2530)	2030.710 n	(P-9083/91; A-2457)
2030.110 n	(P-9083/91; A-2457)	2030.720 r	(P-9153/91; A-2530)
2030.115 n	(P-9083/91; A-2457)	2030.720 n	(P-9083/91; A-2457)
2030.120 r	(P-9153/91; A-2530)	2030.730 r	(P-9153/91; A-2530)
2030.120 n	(P-9083/91; A-2457)	2030.730 n	(P-9083/91; A-2457)
2030.130 r	(P-9153/91; A-2530)	2030.740 r	(P-9153/91; A-2530)
2030.130 n	(P-9083/91; A-2457)	2030.740 n	(P-9083/91; A-2457)
2030.140 n	(P-9083/91; A-2457)	2030.750 r	(P-9153/91; A-2530)
2030.150 n	(P-9083/91; A-2457)	2030.750 n	(P-9083/91; A-2457)

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2030.760	n	(P-9083/91; A-2530)	2030.1240	r	(P-9153/91; A-2530)
2030.810	r	(P-9153/91; A-2530)	2030.1245	n	(P-9083/91; A-2457)
2030.810	n	(P-9083/91; A-2457)	2030.1250	r	(P-9153/91; A-2530)
2030.820	r	(P-9153/91; A-2530)	2030.1255	n	(P-9083/91; A-2457)
2030.820	n	(P-9083/91; A-2457)	2030.1260	r	(P-9153/91; A-2530)
2030.830	n	(P-9083/91; A-2457)	2030.1265	n	(P-9083/91; A-2457)
2030.840	n	(P-9083/91; A-2457)	2030.1270	r	(P-9153/91; A-2530)
2030.850	n	(P-9083/91; A-2457)	2030.1310	r	(P-9153/91; A-2530)
2030.910	r	(P-9153/91; A-2530)	2030.1310	n	(P-9083/91; A-2457)
2030.910	n	(P-9083/91; A-2457)	2030.1320	r	(P-9153/91; A-2530)
2030.920	r	(P-9153/91; A-2530)	2030.1320	n	(P-9083/91; A-2457)
2030.930	r	(P-9153/91; A-2530)	2030.1330	r	(P-9153/91; A-2530)
2030.940	r	(P-9153/91; A-2530)	2030.1340	r	(P-9153/91; A-2530)
2030.950	r	(P-9153/91; A-2530)	2030.1350	r	(P-9153/91; A-2530)
2030.960	r	(P-9153/91; A-2530)	2031.10	r	(P-9149/91; A-2455)
2030.970	r	(P-9153/91; A-2530)	2032.10	r	(P-9218/91; A-2533)
2030.980	r	(P-9153/91; A-2530)	2032.15	r	(P-9218/91; A-2533)
2030.1010	n	(P-9153/91; A-2530)	2032.20	r	(P-9218/91; A-2533)
2030.1010	n	(P-9083/91; A-2457)	2032.25	r	(P-9218/91; A-2533)
2030.1020	n	(P-9153/91; A-2530)	2032.30	r	(P-9218/91; A-2533)
2030.1030	n	(P-9083/91; A-2457)	2032.35	r	(P-9218/91; A-2533)
2030.1040	n	(P-9153/91; A-2530)	2032.45	r	(P-9218/91; A-2533)
2030.1040	n	(P-9083/91; A-2457)	2032.50	r	(P-9218/91; A-2533)
2030.1050	n	(P-9083/91; A-2457)	2032.55	r	(P-9218/91; A-2533)
2030.1060	n	(P-9153/91; A-2530)	2032.60	r	(P-9218/91; A-2533)
2030.1070	n	(P-9083/91; A-2457)	2056.1	am	(P-4567)
2030.1080	n	(P-9083/91; A-2457)	2056.5	am	(P-4567)
2030.1090	n	(P-9083/91; A-2457)	2056.15	am	(P-4567)
2030.1110	n	(P-9153/91; A-2530)	2056.20	am	(P-4567)
2030.1110	n	(P-9083/91; A-2457)	2056.25	am	(P-4567)
2030.1120	r	(P-9153/91; A-2530)	2056.50	am	(P-4567)
2030.1120	n	(P-9083/91; A-2457)	2056.55	am	(P-4567)
2030.1130	n	(P-9153/91; A-2530)	2056.60	am	(P-4567)
2030.1130	n	(P-9083/91; A-2457)	2056.61	am	(P-4567)
2030.1140	r	(P-9153/91; A-2530)	2056.65	#	(P-4567)
2030.1140	n	(P-9083/91; A-2457)	2056.70	#	(P-4567)
2030.1150	n	(P-9083/91; A-2457)	2056.75	am	(P-4567)
2030.1160	n	(P-9083/91; A-2457)	2056.210	am	(P-4567)
2030.1205	n	(P-9153/91; A-2530)	2056.215	am	(P-4567)
2030.1210	n	(P-9083/91; A-2457)	2056.301	#	(P-4567)
2030.1210	n	(P-9153/91; A-2530)	2056.303	#	(P-4567)
2030.1215	n	(P-9083/91; A-2457)	2056.305	am	(P-4567)
2030.1220	n	(P-9153/91; A-2530)	2056.305	am	(P-4567)
2030.1220	n	(P-9083/91; A-2457)	2056.310	am	(P-4567)
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2030.1225	n	(P-9083/91; A-2457)	2056.320	am	(P-4567)
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757.10	n	(P-6542)	n	295.120	(P-18506/91; A-7691)
757.15	n	(P-6542)	am	430.110	(P-6762)
757.100	n	(P-6542)	n	430.125	(P-6762)
757.100	n	(P-6542)	am	430.160	(P-6762)
757.105	n	(P-6542)	am	435.120	(P-6777)
757.110	n	(P-6542)	am	435.140	(P-6777)
757.115	n	(P-6542)	am	435.160	(P-6777)
757.120	n	(P-6542)	am	460.101	(P-15417/91; A-4876)
757.125	n	(P-6542)	am	460.110	(P-15417/91; A-4876)
757.130	n	(P-6542)	am	480.101	(P-15422/91; A-3578)
757.200	n	(P-6542)	r	490.10	(P-16913/91; A-5988)
757.205	n	(P-6542)	r	490.20	(P-16913/91; A-5988)
757.210	n	(P-6542)	r	490.30	(P-16913/91; A-5988)
757.215	n	(P-6542)	r	490.40	(P-16913/91; A-5988)
757.220	n	(P-6542)	r	490.50	(P-16913/91; A-5988)
757.225	n	(P-6542)	r	490.60	(P-16913/91; A-5988)
757.230	n	(P-6542)	r	490.70	(P-16913/91; A-5988)
757.235	n	(P-6542)	r	490.80	(P-16913/91; A-5988)
757.240	n	(P-6542)	r	490.90	(P-16913/91; A-5988)
757.245	n	(P-6542)	r	490.100	(P-16913/91; A-5988)
757.300	n	(P-6542)	r	490.110	(P-16913/91; A-5988)
757.Ex.A	n	(P-6542)	r	490.120	(P-16913/91; A-5988)
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757.Ex.D	n	(P-6542)	r	490.150	(P-16913/91; A-5988)
757.Ex.E	n	(P-6542)	r	490.160	(P-16913/91; A-5988)
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		(P-16535/91; A-6177)	r	490.180	(P-16913/91; A-5988)
		(P-7572)	r	490.190	(P-16913/91; A-5988)
770.10	n	(P-3242)	r	490.200	(P-16913/91; A-5988)
770.20	n	(P-3242)	am	510.101	(P-16932/91; A-5990)
770.30	n	(P-3242)	am	510.110	(P-16932/91; A-5990)
			am	510.115	(P-16932/91; A-5990)
			am	510.120	(P-16932/91; A-5990)
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			am	510.145	(P-16932/91; A-5990)
			am	510.160	(P-16932/91; A-5990)
			am	3000.100	(P-3802)
			am	3000.200	(P-3802)
			am	3000.210	(P-3802)
			am	3000.220	(P-3802)
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110.190	n	(P-14196/91; A-2624)	am	112.72	(P-14994/91; A-3468)
130.310	am	(P-15013/91; A-1642)	r	112.74	(P-14994/91; A-3468)
180.101	am	(P-15948/91; A-4859)	n	112.78	(P-14994/91; A-3468)
180.130	am	(P-15948/91; A-4859)	n	112.79	(P-14994/91; A-3468)
180.140	am	(P-15948/91; A-4859)	n	112.82	(P-14994/91; A-3468)
180.145	am	(P-15948/91; A-4859)	n	113.40	(P-14994/91; A-3468)
190.101	am	(P-15958/91; A-4867)	n	113.50	(P-14994/91; A-3468)
190.110	am	(P-15958/91; A-4867)	n	113.302	(P-14994/91; A-3468)
190.120	am	(P-15958/91; A-4867)	n	113.400	(P-14994/91; A-3468)
190.170	am	(P-15958/91; A-4867)	n	113.405	(P-14994/91; A-3468)
190.175	am	(P-15958/91; A-4867)	n	113.410	(P-14994/91; A-3468)
295.101	n	(P-18506/91; A-7691)	n	113.415	(P-14994/91; A-3468)
295.105	n	(P-18506/91; A-7691)	n	113.420	(P-14994/91; A-3468)

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3000.625	am	(P-3802)	am	114.1	(P-15008/91; A-3512)
3000.645	am	(P-3802)	am	114.2	(P-15008/91; A-3512)
3000.910	am	(P-3802)	am	114.60	(P-15008/91; A-3512)
3000.1010	am	(P-3802)	am	114.61	(P-15008/91; A-3512)
3000.1070	am	(P-3802)	am	114.62	(P-15008/91; A-3512)
			am	114.63	(P-15008/91; A-3512)
			am	114.64	(P-15008/91; A-3512)
			am	114.70	(P-15008/91; A-3512)
			am	114.80	(P-15008/91; A-3512)
			am	114.120	(P-15008/91; A-3512)
			am	114.121	(P-15008/91; A-3512)
			r	114.122	(P-15008/91; A-3512)
			r	114.123	(P-15008/91; A-3512)
			am	114.124	(P-15008/91; A-3512)
			am	114.128	(P-15008/91; A-3512)
			am	114.135	(P-4216) (E-4540)
			am	114.400	(P-4216) (E-4540)
			am	114.420	(P-15008/91; A-3512)
			am	116.500	(P-16623/91; A-5350)
			am	116.520	(P-16623/91; A-5350)
			r	120.50	(P-12137/91; A-139)
			n	120.200	(P-12137/91; A-139)
			r	120.208	(P-12137/91; A-139)
			r	120.210	(P-12137/91; A-139)
			r	120.211	(P-12137/91; A-139)
			r	120.212	(P-12137/91; A-139)
			r	120.215	(P-12137/91; A-139)
			r	120.216	(P-12137/91; A-139)
			r	120.217	(P-12137/91; A-139)
			r	120.218	(P-12137/91; A-139)
			r	120.224	(P-12137/91; A-139)
			r	120.225	(P-12137/91; A-139)
			r	120.230	(P-12137/91; A-139)
			r	120.235	(P-12137/91; A-139)
			r	120.236	(P-12137/91; A-139)
			r	120.240	(P-12137/91; A-139)
			r	120.245	(P-12137/91; A-139)
			r	120.250	(P-12137/91; A-139)
			r	120.255	(P-12137/91; A-139)
			r	120.260	(P-12137/91; A-139)
			r	120.261	(P-12137/91; A-139)
			r	120.262	(P-12137/91; A-139)
			r	120.270	(P-12137/91; A-139)
			r	120.271	(P-12137/91; A-139)
			r	120.272	(P-12137/91; A-139)
			r	120.273	(P-12137/91; A-139)
			r	120.275	(P-12137/91; A-139)
			r	120.276	(P-12137/91; A-139)
			r	120.280	(P-12137/91; A-139)
			r	120.281	(P-12137/91; A-139)
			r	120.282	(P-12137/91; A-139)

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104.10	am	(P-7793)	am	104.10	(P-7793)
104.70	am	(P-7793)	am	104.120	(P-7793)
104.102	am	(P-7793)	am	104.121	(P-7793)
104.202	am	(P-4741)	am	104.122	(P-4741)
104.204	am	(P-4741)	am	104.123	(P-4741)
104.206	am	(P-2752)	am	104.124	(P-2752)
104.208	am	(P-2752)	am	104.128	(P-2752)
104.209	n	(P-4741)	n	104.135	(P-4216) (E-4540)
104.210	am	(P-2752) (P-4741)	am	104.210	(P-2752) (P-4741)
104.212	am	(P-4741)	am	104.212	(P-4741)
104.221	am	(P-4741)	am	104.221	(P-4741)
104.230	am	(P-4741)	am	104.230	(P-4741)
104.235	am	(P-7793)	am	104.235	(P-7793)
104.244	am	(P-4741)	am	104.244	(P-4741)
104.246	am	(P-4741)	am	104.246	(P-4741)
104.248	n	(P-7793)	n	104.248	(P-7793)
104.272	am	(P-2752)	am	104.272	(P-2752)
104.273	am	(P-2752)	am	104.273	(P-2752)
104.274	am	(P-2752)	am	104.274	(P-2752)
104.295	am	(P-7793)	am	104.295	(P-7793)
110.30	am	(P-3405; W-5082)	am	110.30	(P-3405; W-5082)
			am	112.70	(P-3335)
			am	112.71	(P-3335)
			am	112.72	(P-3335)
			am	112.74	(P-3335)
			am	112.78	(P-3335)
			am	112.79	(P-3335)
			am	112.82	(P-3335)
			am	113.40	(P-14994/91; A-3468)
			am	113.50	(P-14994/91; A-3468)
			r	113.302	(P-14994/91; A-3468)
			n	113.400	(P-14994/91; A-3468)
			n	113.405	(P-14994/91; A-3468)
			n	113.410	(P-14994/91; A-3468)
			n	113.415	(P-14994/91; A-3468)
			n	113.420	(P-14994/91; A-3468)
			n	113.425	(P-14994/91; A-3468)
			n	113.430	(P-14994/91; A-3468)
			n	113.435	(P-14994/91; A-3468)
			#	113.440	(P-14994/91; A-3468)
			am	113.440	(P-14994/91; A-3468)
			n	113.445	(P-14994/91; A-3468)

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120.283	r	(P-12137/91; A-139)	140.543	am	(P-3045)
120.284	r	(P-12137/91; A-139)	140.552	am	(P-15933/91; A-6408)
120.285	r	(P-12137/91; A-139)	140.560	am	(P-5585/91; A-7017)
120.290	r	(P-12137/91; A-139)	140.561	am	(P-7482/91; A-3552)
120.295	r	(P-12137/91; A-139)	140.562	am	(P-15933/91; A-6408)
120.319	am	(P-12137/91; A-139)	140.565	n	(P-1492)
120.320	am	(P-12137/91; A-139)	140.566	am	(P-4708)
120.321	am	(P-12137/91; A-139)	140.569	am	(P-15933/91; A-6408)
120.322	am	(P-12137/91; A-139)	140.579	am	(P-3409)
120.323	am	(P-12137/91; A-139)	140.583	am	(P-15933/91; A-6408)
120.384	am	(P-7761)	140.600	n	(P-472)
121.34	am	(P-8039)	140.602	n	(P-472)
121.58	am	(P-2420)	140.604	n	(P-472)
121.63	am	(E-757) (P-6708)	140.606	n	(P-472)
121.72	am	(P-2420)	140.608	n	(P-472)
121.73	am	(P-2420)	140.610	n	(P-472)
130.200	am	(P-6931)	140.612	n	(P-472)
140.2	am	(P-17171/91; A-174)	140.614	n	(P-472)
		(P-6936)	140.646	am	(P-6949/91; A-1877)
140.5	am	(P-17171/91; A-174)	140.700	am	(P-7576)
140.11	am	(P-6949/91; A-3552)	140.835	r	(P-15933/91; A-6408)
140.13	am	(P-4708)	141.10	r	(P-12132/91; A-7922)
140.14	am	(P-4708)	141.100	r	(P-12132/91; A-7922)
140.15	am	(P-7775)	141.200	r	(P-12132/91; A-7922)
140.16	am	(P-4708) (P-8047)	141.240	r	(P-12132/91; A-7922)
140.17	am	(P-8047)	141.280	r	(P-12132/91; A-7922)
140.19	am	(P-4708)	141.320	r	(P-12132/91; A-7922)
140.27	am	(P-65) (E-300)	141.360	r	(P-12132/91; A-7922)
140.31	n	(P-4708)	141.400	r	(P-12132/91; A-7922)
140.32	n	(P-4708)	141.440	r	(P-12132/91; A-7922)
140.33	n	(P-4708)	141.480	r	(P-12132/91; A-7922)
140.94	n	(P-15933/91; A-6408)	141.520	r	(P-12132/91; A-7922)
140.95	n	(P-15933/91; A-6408)	141.560	r	(P-12132/91; A-7922)
140.421	am	(P-7576)	141.600	r	(P-12132/91; A-7922)
140.413	am	(P-6719)	141.640	r	(P-12132/91; A-7922)
140.440	am	(P-12171/91; A-4006)	141.680	r	(P-12132/91; A-7922)
140.441	am	(P-12171/91; A-4006)	141.720	r	(P-12132/91; A-7922)
140.442	am	(P-12171/91; A-4006)	141.760	r	(P-12132/91; A-7922)
140.449	am	(P-12171/91; A-4006)	141.800	r	(P-12132/91; A-7922)
140.469	am	(P-13685/91; A-3552)	141.840	r	(P-12132/91; A-7922)
140.512	am	(P-13274/91; A-6849)	141.880	r	(P-12132/91; A-7922)
140.513	r	(P-13274/91; A-6849)	141.920	r	(P-12132/91; A-7922)
140.514	am	(P-11555/91; A-4006)	141.960	r	(P-12132/91; A-7922)
140.526	r	(P-472)	141.1000	r	(P-12132/91; A-7922)
140.527	r	(P-472)	141.1040	r	(P-12132/91; A-7922)
140.528	r	(P-472)	141.1080	r	(P-12132/91; A-7922)
140.529	r	(P-472)	141.1120	r	(P-12132/91; A-7922)
140.530	am	(P-15933/91; A-6408)	141.1125	r	(P-472)
140.538	am	(P-15933/91; A-6408)	141.1160	r	(P-15933/91; A-6408)
140.539	am	(P-472)	141.1200	r	(P-15933/91; A-6408)
			141.1240	r	(P-472)

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141.1280	r	(P-12132/91; A-7922)	141.3280	r	(P-12132/91; A-7922)
141.1320	r	(P-12132/91; A-7922)	141.3320	r	(P-12132/91; A-7922)
141.1360	r	(P-12132/91; A-7922)	141.3360	r	(P-12132/91; A-7922)
141.1400	r	(P-12132/91; A-7922)	141.3400	r	(P-12132/91; A-7922)
141.1480	r	(P-12132/91; A-7922)	141.3440	r	(P-12132/91; A-7922)
141.1500	r	(P-12132/91; A-7922)	141.3480	r	(P-12132/91; A-7922)
141.1520	r	(P-12132/91; A-7922)	141.3520	r	(P-12132/91; A-7922)
141.1560	r	(P-12132/91; A-7922)	141.3560	r	(P-12132/91; A-7922)
141.1600	r	(P-12132/91; A-7922)	141.3600	r	(P-12132/91; A-7922)
141.1640	r	(P-12132/91; A-7922)	141.3640	r	(P-12132/91; A-7922)
141.1680	r	(P-12132/91; A-7922)	141.3680	r	(P-12132/91; A-7922)
141.1720	r	(P-12132/91; A-7922)	141.3720	r	(P-12132/91; A-7922)
141.1760	r	(P-12132/91; A-7922)	141.3760	r	(P-12132/91; A-7922)
141.1800	r	(P-12132/91; A-7922)	141.3800	r	(P-12132/91; A-7922)
141.1840	r	(P-12132/91; A-7922)	141.3840	r	(P-12132/91; A-7922)
141.1880	r	(P-12132/91; A-7922)	141.3880	r	(P-12132/91; A-7922)
141.1920	r	(P-12132/91; A-7922)	141.3920	r	(P-12132/91; A-7922)
141.1960	r	(P-12132/91; A-7922)	141.3960	r	(P-12132/91; A-7922)
141.2000	r	(P-12132/91; A-7922)	141.4000	r	(P-12132/91; A-7922)
141.2040	r	(P-12132/91; A-7922)	141.4040	r	(P-12132/91; A-7922)
141.2080	r	(P-12132/91; A-7922)	141.4080	r	(P-12132/91; A-7922)
141.2120	r	(P-12132/91; A-7922)	141.4120	r	(P-12132/91; A-7922)
141.2160	r	(P-12132/91; A-7922)	141.4160	r	(P-12132/91; A-7922)
141.2200	r	(P-12132/91; A-7922)	141.4200	r	(P-12132/91; A-7922)
141.2240	r	(P-12132/91; A-7922)	141.4230	r	(P-12132/91; A-7922)
141.2280	r	(P-12132/91; A-7922)	141.4240	r	(P-12132/91; A-7922)
141.2320	r	(P-12132/91; A-7922)	141.4280	r	(P-12132/91; A-7922)
141.2360	r	(P-12132/91; A-7922)	141.4320	r	(P-12132/91; A-7922)
141.2400	r	(P-12132/91; A-7922)	141.4360	r	(P-12132/91; A-7922)
141.2440	r	(P-12132/91; A-7922)	141.4440	r	(P-12132/91; A-7922)
141.2480	r	(P-12132/91; A-7922)	141.4480	r	(P-12132/91; A-7922)
141.2520	r	(P-12132/91; A-7922)	141.4520	r	(P-12132/91; A-7922)
141.2560	r	(P-12132/91; A-7922)	141.4560	r	(P-12132/91; A-7922)
141.2600	r	(P-12132/91; A-7922)	141.4600	r	(P-12132/91; A-7922)
141.2640	r	(P-12132/91; A-7922)	141.4640	r	(P-12132/91; A-7922)
141.2680	r	(P-12132/91; A-7922)	141.4680	r	(P-12132/91; A-7922)
141.2720	r	(P-12132/91; A-7922)	141.4720	r	(P-12132/91; A-7922)
141.2760	r	(P-12132/91; A-7922)	141.4760	r	(P-12132/91; A-7922)
141.2800	r	(P-12132/91; A-7922)	141.4800	r	(P-12132/91; A-7922)
141.2840	r	(P-12132/91; A-7922)	144.275	am	(P-15926/91; A-5898)
141.2880	r	(P-12132/91; A-7922)	144.300	n	(P-7455/91; A-3497)
141.2920	r	(P-12132/91; A-7922)	144.325	n	(P-7455/91; A-3497)
141.2960	r	(P-12132/91; A-7922)	144.350	n	(P-5806)
141.3000	r	(P-12132/91; A-7922)	144.375	n	(P-5806)
141.3040	r	(P-12132/91; A-7922)	144.400	n	(P-5806)
141.3080	r	(P-12132/91; A-7922)	144.405	n	(P-5806)
141.3120	r	(P-12132/91; A-7922)	144.425	n	(P-5806)
141.3160	r	(P-12132/91; A-7922)	144.450	n	(P-5806)
141.3200	r	(P-12132/91; A-7922)	147.25	am	(P-4218)
141.3240	r	(P-12132/91; A-7922)	147.50	am	(P-4218)
			147.75	am	(P-4218)

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TITLE 89 (CONT'D)	714.100	(P-3067)	am	TITLE 92 (CONT'D)	530.10	n	(P-2940/91; A-2193)
337.200	714.110	(P-3067)	am	50.90	530.10	r	(P-3003/91; A-2256)
337.210	714.120	(P-3067)	am	50.100	530.20	n	(P-2940/91; A-2193)
337.220	714.130	(P-3067)	am	50.100	530.20	r	(P-3003/91; A-2256)
337.230	714.300	(P-3067)	am	50.110	530.30	n	(P-2940/91; A-2193)
337.240	714.310	(P-3067)	am	50.110	530.30	r	(P-3003/91; A-2256)
337.250	787.10	(P-13027/91; A-2882)	n	50.120	530.40	n	(P-2940/91; A-2193)
352.Ap.A	787.20	(P-13027/91; A-2882)	n	50.120	530.50	n	(P-2940/91; A-2193)
377.2	787.30	(P-13027/91; A-2882)	n	50.130	530.60	n	(P-2940/91; A-2193)
377.4	787.40	(P-13027/91; A-2882)	n	50.130	530.100	n	(P-2940/91; A-2193)
378.1	787.50	(P-13027/91; A-2882)	n	50.140	530.101	r	(P-3003/91; A-2256)
378.2	845.10	(P-11572/91; A-2615)	am	50.150	530.102	r	(P-3003/91; A-2256)
378.3	845.20	(P-11572/91; A-2615)	am	50.160	530.103	r	(P-3003/91; A-2256)
378.4	845.30	(P-11572/91; A-2615)	am	50.160	530.104	r	(P-3003/91; A-2256)
406.2	845.40	(P-11572/91; A-2615)	am	50.Ex.A	530.105	r	(P-3003/91; A-2256)
	900.310	(P-12989/91; A-5311)	am	62.30	530.106	r	(P-3003/91; A-2256)
406.4	900.321	(P-12989/91; A-5311)	am	171.6	530.107	r	(P-3003/91; A-2256)
406.5	900.322	(P-12989/91; A-5311)	am	171.6	530.108	r	(P-3003/91; A-2256)
406.6	900.330	(P-12989/91; A-5311)	am	171.1000	530.109	r	(P-3003/91; A-2256)
406.7	900.331	(P-12989/91; A-5311)	am		530.110	n	(P-2940/91; A-2193)
406.8	900.342	(P-12989/91; A-5311)	am	172.2000	530.110	r	(P-3003/91; A-2256)
406.9	900.343	(P-12989/91; A-5311)	am	172.2215	530.111	r	(P-3003/91; A-2256)
406.10	900.345	(P-12989/91; A-5311)	am		530.112	r	(P-3003/91; A-2256)
406.11	900.348	(P-12989/91; A-5311)	am	173.3000	530.113	r	(P-3003/91; A-2256)
406.12	1300.110	(P-5141/91; A-4819)	am		530.114	r	(P-3003/91; A-2256)
406.13	1300.120	(P-5141/91; A-4819)	am	177.2000	530.115	r	(P-3003/91; A-2256)
406.14	1300.130	(P-5141/91; A-4819)	am		530.116	r	(P-3003/91; A-2256)
406.15	1300.140	(P-5141/91; A-4819)	am	178.336.1.1	530.117	r	(P-3003/91; A-2256)
406.22	1300.200	(P-5141/91; A-4819)	am		530.118	r	(P-3003/91; A-2256)
406.24	1300.205	(P-5141/91; A-4819)	n	178.336.1.5	530.119	r	(P-3003/91; A-2256)
407.29	1300.210	(P-5141/91; A-4819)	am		530.120	n	(P-2940/91; A-2193)
510.10			am	178.336.1.5	530.121	r	(P-3003/91; A-2256)
510.20			am	178.2000	530.122	r	(P-3003/91; A-2256)
510.30	44.30	(P-4807)	am	179.2000	530.123	r	(P-3003/91; A-2256)
510.40	50.5	(P-6139)	r		530.130	n	(P-2940/91; A-2193)
510.70	50.10	(P-6139)	r	180.2000	530.140	n	(P-2940/91; A-2193)
510.80	50.10	(P-6139)	n	390.1010	530.150	n	(P-2940/91; A-2193)
510.90	50.20	(P-6139)	r	390.1020	530.200	n	(P-2940/91; A-2193)
510.100	50.20	(P-6139)	n	390.2000	530.201	r	(P-3003/91; A-2256)
510.110	50.30	(P-6139)	r	391.1000	530.202	r	(P-3003/91; A-2256)
587.70	50.30	(P-6139)	n	391.2000	530.203	r	(P-3003/91; A-2256)
597.20	50.40	(P-6139)	r		530.210	n	(P-2940/91; A-2193)
674.10	50.40	(P-6139)	n	395.2000	530.220	n	(P-2940/91; A-2193)
674.20	50.50	(P-6139)	r	396.2010	530.225	n	(P-2940/91; A-2193)
674.30	50.60	(P-6139)	n	440.420	530.230	n	(P-2940/91; A-2193)
674.50	50.60	(P-6139)	n	440.11.A	530.240	n	(P-2940/91; A-2193)
683.100	50.70	(P-6139)	r	440.11.B	530.250	n	(P-2940/91; A-2193)
685.500	50.70	(P-6139)	n	442.285	530.260	n	(P-2940/91; A-2193)
685.550	50.80	(P-6139)	n	442.11.A	530.270	n	(P-2940/91; A-2193)
685.600	50.80	(P-6139)	r	442.11.E	530.275	n	(P-2940/91; A-2193)
714.30	50.90	(P-6139)	r				

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530.303	r	530.909	r
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530.340	n	787.20	n
530.401	r	787.30	n
530.402	r	787.40	n
530.403	r	787.50	n
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530.502	r	1309.20	n
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530.510	n	1311.10	n
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530.603	r	121.30	n
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530.803	r	121.110	n
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530.820	n	121.130	n
530.830	n	121.140	n
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530.480	n		
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530.502	r		
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530.510	n		
530.520	n		
530.530	n		
530.600	n		
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530.603	r		
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530.710	n		
530.800	n		
530.801	r		
530.802	r		
530.803	r		
530.810	n		
530.820	n		
530.830	n		
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